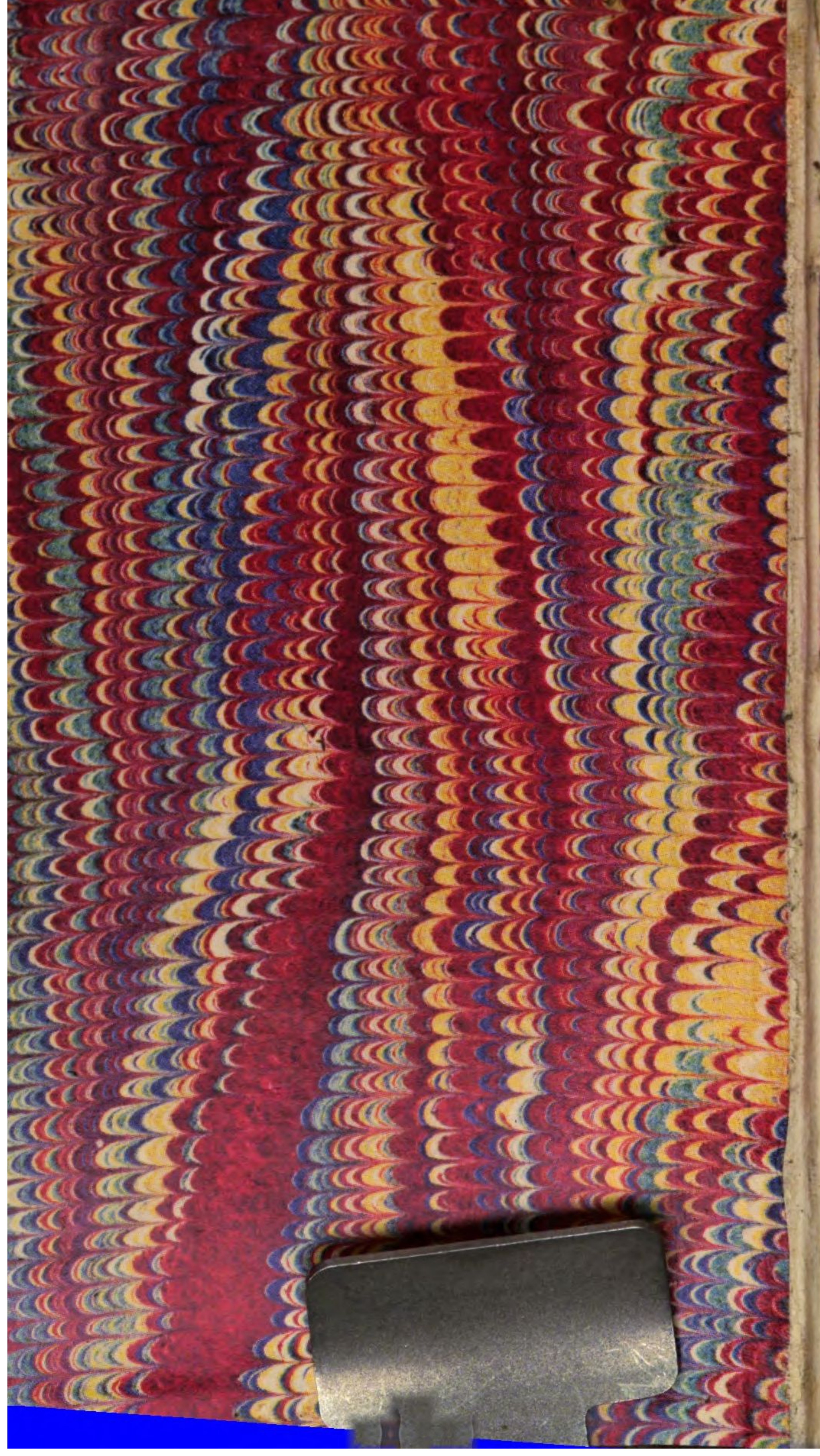












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I N D E X

O R

Abridgement,

Of the ACTS of

PARLIAMENT

A N D

CONVENTION,

FROM THE

First Parliament of King *James I.* holden the
26 *Maii*, anno 1424. to the fourth Session of
the first Parliament of her Majesty Queen
Anne, concluded the 25 *March* 1707, before
the Union of the Two Kingdoms of *Scotland*
and *England*: Revised and Completed.

W I T H

The ACT Ratifying and Approving the
Treaty of Union of the Two Kingdoms,
verbatim subjoined.

By Sir *JAMES STEWART* Her
Majesty's Advocate.

E D I N B U R G H,

Printed by George Mosman, and are to be sold at his
Shop in the Parliament-Closs, A. D. MDCCVII.

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Advertisement.

HAVING first put hand to this Work about the Year 1682, and then continued it to the last Session of King William's Parliament in the Year 1701, I have now compleated it with the Union of the Two Kingdoms in this Year 1707.

The Alphabetical Method is the easiest I could think on: And I sometimes prefer the Contingency of the Matter to the Order of Time.

If this Essay shall be of Use, I hope it will render the Escapes more pardonable.

J. A. STEWART.

Edinburgh, The twenty fifth Day of September,
One thousand seven hundred and one Years.

ANENT the Petition given in to the Lords of his Majesty's Privy Council, by Sir James Stewart his Majesty's Advocate: Shewing, That he hath continued the former Index or Abridgement made of the Acts of Parliament, for the Parliament One thousand six hundred and eighty one, and all preceeding to the Parliaments and Acts thereof since the said Year One thousand six hundred and eighty one, Including and Digesting the saids Acts, as much as possible, under the same Heads, to the effect, that all Acts upon the same Subject may be laid together, for the more Advantage. And therefore, humbly Craving to the effect after-mentioned; The Lords of his Majesty's Privy Council, having considered the foresaid Petition, given in to them by the above Sir James Stewart his Majesty's Advocate; They hereby grant Licence to the Petitioner and his Assigneys, for Printing the above Abridgement, as now continued, That is, including the former with a Continuation thereof to the last Session of Parliament current inclusive; And discharges any other Person to Print, Vend or Sell any other Abridgement, but that of the said Lord Advocate's, during the space of Nineteen Years from the Day and Date hereof, without his Lordship or Assigneys their Warrant or Commission, under the pain of Seising upon, and Forefaulting of the saids Abridgements, for the use of the said Lord Advocate or his Assigneys; And farther under the pain of five hundred Merks Scots, to be payed by the Contraveeners, to the said Lord Advocate, or his foresaids, besides the Seasure and Forefaulture foresaid. Extracted by me,

GILB. ELIOT. Cls. Sti. Conc.

The above Privilege is Assigned by Sir James Stewart of Gutters her Majesty's Advocate, to George Mosman Printer of this Abridgement.

J. A. STEWART.

Macers.
 Malt *and* Maltmen.
 Man-Rent.
 Manse *and* Gleib.
 Manufactory.
 Marriage.
 Marriage-Casualties.
 Meal.
 Merns-Shyre.
 Mercat.
 Merchants.
 Mass.
 Messenger.
 Merts Measures *and* Weights.
 Mile.
 Militia.
 Milnes *and* Multures.
 Mines of Gold *and* Silver.
 Ministers *and* Readers.
 Midors.
 Molestation.
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 Moveables.
 Mumm-Beer.
 Muir-Burn.
 Murther.
 Musick.
 Musters.
 Mutilation.

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 Notars.
 Nullity.

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 Officers of Arms.
 Officers of the Crown.
 Oppression.
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Oath of Allegiance.
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 Pewter.
 Pilgrimage.
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 Planting *and* Policy.
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 Scotia Nova.
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 Sheriff.
 Sheriff-Clerk.
 Ship.
 Shooting.
 Signet.
 Signature.
 Simony.
 Singing.
 Silk.
 Skin and Birch.
 Skinners.
 Slaughter.
 Soap and Soap-Works.
 Sorners.
 Spears.
 Spulzy.
 Stalker.
 Stank.
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 Stirling-Burg.
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 Subscription.
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Superiorities.
Superfedere.
Superstition.
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Synod Diocefan.
Synod National.

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Tallow.
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Teind and Teinding.
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Terce.
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Tin.
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Trespas.
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Vassals.
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Warden of the Cunkye.
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Water-Met.
Wayes.
Weapon-shewing.
Weavers.
Weights.
Wife.
Wild Beasts, and Fowls.
Wine.
Witchcraft.
Witnesses.
Common Women.
Wood.
Wolf.
Wool.
Writers.
Writs.
Writs False.

k,

Yard.
Yairs.
Youth.
Yule Vacance.

2

Zeland.

THE
ABRIDGEMENT
OF THE
ACTS
OF
Parliament.

*Digested into HEADS, set down after the
Order of the Alphabet.*

A.

Aberdeen.

ACT granting to the Town of *Aberdeen* an Yearly Fair on the Munday before *Whitsunday*, to continue for Eight Days with the haill Jurisdictions, and Customs thereof. *Jam. 6. Par. 13. cap. 186.*

Confirmation by King and Parliament, to the Town of Aberdeen of all Annuals and Few-ferms, Chaplainries and Prebendaries, which belonged before to the Chaplains of their Parish Kirk, and contained in their Gift. Ibid. Cap. 188.

Absent.

The causes of all Merchants, and others Abroad not *animo morandi*, and there dying, should be discussed before their Ordinaries, within the Realm, by whom their Testaments are confirmed *Jam. 1. Par. 6. cap. 89.* See passing furth of the Realm.

Accompts.

Act and Commission anent the publick Accompts, *2. A. Par. 1, cap. 6. 1703.* Continued *2. A. Par. 1. Sess. 2. cap. 7. anno 1704.* but now Reported and Expired.

Act and Letters.

Act and Letters of continuation of Summons Discharged. *Cha.*
2. *Par.* 2. *Sess.* 3. *cap.* 6. See the Act in Summons.

Action, See Judge and Summons.

In all Actions in the Temporal Courts, the Party Pursuer, if present, shall Swear, That the Cause he trowes is Good and Leill, *Jam.* 1. *Parl.* 9. *cap.* 125. See there the form of the Oath, to be Sworn by the Advocat in the Soul of his Client Absent.

That all Parties first pass to their Judge Ordinary, and pursue Justice. *Jam.* 3. *Par.* 5. *cap.* 27. See it in Judges.

That all Civil Actions be first pursued before the Ordinaries, as Justice, Chamberlain, Sheriff, Baron, Provost, and Baillies and others; And that there be only pursued before the Lords of Session, Actions pertaining to the King, or moved by the Kirk-men, Widows, Orphans, Pupils, or Strangers, or Complaints upon other Officers, In which last case, the Inrolments of the Officers of Court are to be produced, and this Act to endure until the next Parliament. *Ja.* 3. *Par.* 14. *cap.* 105. If either Defender or Pursuer, in any Action shall Slay, Wound, or Invade the other, so as it may be a ground of a Criminal Pursuit, or that he be Airt and Part thereon at any time from the Executing of the Summons, until the complete Executing of the Decreet, if it be the Defender, he shall be Condemned without any other Probation, than that the Invader is Convict, or Denounced for the Deed by the Justice, or other Criminal Judge: And if the Pursuer be the Invader, That on the like Probation the Defender be Assoilzied, and the said Sentences to be irreduceable, even on the head of Minority, or any other Ground. Item, The Invader being Denounced for not finding Caution, or not Compearance, That immediatly he tene his Liferent Escheat; And the King promises to grant no Remission in this case, And the using of any such Remission, is declared to be repute as Conviction, to the effect foresaid, and this Act to endure for seven Years. *Jam.* 6. *Par.* 8. *cap.* 138. But thereafter made a perpetual Law. *Jam.* 6. *Par.* 14. *cap.* 219.

Adherence see Marriage.

Adjudication see Comprysings.

Adjudication declared Redeemable within seven Years after the date, at the Instance of Con-Creditors, one after another, according to their Diligences in Adjudging in like manner, by payment of the principal Sums contained in the Sentences of Adjudication, and Annualrents thereof, with the Expences made in obtaining

taining the same, at the Lords of Session their Modification, deducting alwayes the prior Adjudgers their Intromissions and the Victual Rent to be Estimate at the common price of the Shire, betwixt *Zule* and *Candlemass*. *Item*, A Minor, Renouncing to be Heir in his Minority, may be Reponed, and Redeem by payment, and looseth all the Privileges granted to Minors in Comprysings. *Jam. 6. Par. 23. cap. 7.* The Act 1661. anent Comprysings extended to Adjudications, in all points. *Cha. 2. Par. 1. Sess. 1. cap. 62.*

That the Superiors have an Years Duty for the Entering the Adjudger, as for Entering the Compryser, And that Adjudications and Comprysings, be in all cases alike as to the Superiors. *Cha. 2. P. 2. Sess. 1. cap. 18.*

That in place of Comprysings, The Lords of Session at the Instance of any Creditor, Adjudge and Decern to him in Satisfaction of his Debt, as the same shall be Decerned by the Lords, such a part of the Debtors Estate formerly Appryfable, as shall be worth the Principal Sum and Annualrent resting, and a fifth part more, for the Creditors want of the use of his Money, beside the Composition to the Superior, and Expences of the Infestment, and his Adjudication to proceed on Probation for the Creditor: And also for the Debtor, if he desire it, of the Value of the Land, and what it hath payed for five years bygone, and may pay, and what the Rates are in the Country where it lyes: With power to the Lords to determine on the Warrandice; Upon which Adjudication, the Creditor shall have immediatly the Intromission for this Annualrent, without being lyable to Compt and Reckoning: And in case the Lands and others Adjudged be affected with Liferents, or otherwayes yeild no Rents, the same shall be expressed in the Decreet, and the Annualrent effeiring to the Inlaik of the Rent is to be added to the Principal at the Redemption, and the Lands and others Adjudged are to remain Irredeemable with the Adjudger, if not Redeemed within five Years, by payment of Principal and Annualrents, Composition to the Superior, and Expences of obtaining Infestment, and Annualrent of the same inlaiking, as said is. *Item*, The Creditor, may use all manner of Execution, Personal, or Real, for his Debt, against Principal, or Cautioner, until he get actual Possession, as said is. *Item*, That no Apprysing be led hereafter of Lands or Rights, unless they be already Apprysed by another Creditor, but if the Debtor produce not the Evidents of the Lands, and others Adjudged, with a sufficient Right thereof at the Lords sight, and if he Renounce not all Right and Possession, and Ratify the Decreet of Adjudication, Then the Creditor may Adjudge all Estate belonging to the Debtor, in the same manner, as if he might have Comprysed it before, conform to the Act 1661, and under the same Reversion. *Item*, The Superior and Adjudger, are declared to be in the same case after Citation in this Process, as if Comprysing were led, and a Charge were given thereon: And thir Adjudications to be allowed and Recorded as Comprysings. *Cha. 2. Par. 2. Sess. 3. cap. 19. Anno 1672.*

Adjudication of Lands for the Fines mentioned in the Act, restricted to Lands not exceeding the value, ordained to expire with-

in Year and Day, and preferred to all the *pari Passu*. *Ja. 7. Par. 1. cap. 26.* but this Act Rescinded. *W. and M. Par. 1. Sess. 2. cap. 28.*

That in Adjudications and other Deeds wherein by Law or Consent a certain time runs the time from the 1st. November 1688. to the 15 October 1689. be not Computed. *W. and M. Par. 1. Sess. 2. cap. 40.*

Admiral.

That the Admiral Exerce no Jurisdiction, nor exact no kind of Duty, or Casualty, but according to the use before the Death of King *James the 5th*. Notwithstanding of any greater speciality contained in his Infestment bygone, or to come. *Ja. 6. Par. 12. cap. 157.*

That in respect the Admiral Court, is a Sovereign Judicatory, Importing of its own nature Summar Execution, Therefore Letters of Horning pass upon their Decreet, sikelike as on Sheriffs, &c. by the Act *Jam. 6. Par. 18. cap. 10. Jam. 6. Par. 27. cap. 15.* And this Act Ratified, and the Court of Admiralty decerned to be a Sovereign and Supream Court, in it self: That the high Admiral is His Majesties Lieutenant, and Justice General on the Seas, and in all Ports, Harbours, or Creeks thereof, and upon Fresh waters, or Navigable Rivers, below the first Bridges, or within the highest Flood marks: That he hath the sole Jurisdiction in all Maritime Causes, Foreign or Domestick, Civil, or Criminal, Exclusive of all other Judges: That he may cause Parties find Caution both for Compearance, and Performance. That he may punish the breakers of his Arrestments, and deforcers of his Officers, and hath Right to their Fines: That the said high Court may reduce the DECREETS of Inferior Courts of Admiralty, and also review its own; That there be no Advocation from the said Court, and no Suspensions granted of their DECREETS; but by the whole Lords in time of Session, and three Lords in time of Vacance, and that they be discussed Summarly. And lastly, That the Admiral and his Depute have the sole Right of granting Passes, and safe Conduicts to all Ships, and all Acts and Customs contrar to this Act are Rescinded. *Cha. 2. Par. 3. cap. 16.*

Adultery.

That open, manifest, and Incorrigible Adulterers after the Kirk Censures executed upon them, be denounced Rebels, and their Goods Escheat. *Q. M. Par. 5. cap. 20.* That open and manifest Adulterers after due monition made to them to abstain, be punished to the Death, Reserving the former Laws against other Adulterers. *Q. M. Par. 9. cap. 74.* And notour and manifest Adultery worthy of Death declared to be where Bairns are Procreat, or the Adulterers keep Company and Bed together; notoriously, or when suspect and duely admonished, they refuse to satisfie the Kirk by Repentance, or Purgation, and are therefore Excommunicate. *Ja. 6. Par. 7. cap. 105.* Ratified. *W. Par. 1. Sess. 9. cap. 11.* A Woman divorced for Adultery, and Married, or openly at Bed and Buird, resorting in

Com-

Company with her Adulterer, may not Annul her Lands, or Possessions, in prejudice of the Heirs of the first Marriage, or of her other Heirs, And all such Alienations as well since July 1587. as in time coming are declared Null, by way of exception in all Courts. *Ja. 6. P. 12. Cap. 117.* All Marriages betwixt persons divorced, and their Adulterers, decerned to be Unlawfull and Null, and their Issue inhabile to Succeed to their Parents. *Ja. 6 Par. 16. Cap. 20.*

Advocats *see* Session.

Promise and Oath of the Estates not to Maintain, Defend by Advocats, or stand at the Bar with manifest Traitors, and other notorious Malefactors, but only to compear with their Kin and Friends in sober ways, in the defence of them in honest Actions. *Ja. 3. Par. 14. cap. 98. see it in* Treason.

Advocat may freely compear for, and Defend persons accused in Parliament for Treason, or otherways. *Ja. 6. Par. 11. cap. 38.* And this warrant more fully given as to Treason, and all other Crimes before any Judge, and that the Judge may compel them, to procure in case of their refuse. *Ibid. cap. 90.*

Advocat Fies, *see* the Act of Regulation. *Cha. 2. Par. 2. Sess. 3. cap. 16.*

Advocation *see* Declinator.

That no Advocation of Causes be from the Judge Ordinary, except for deadly Feed, or that the Sheriff Principal or the Judge be Party, or in the causes of the Members of the Colledge of Justice. *Q. M. Par. 6. cap. 39.* But this Act is anent the warning of Tenants, and what is subjoined anent Advocations, may seem to relate to the Actions of removing therein mentioned. Act Discharging the Lords of Session, to grant Advocations from Judges Competent; for Sums within 200 Merks, or for any Cause whereunto the Inferiour Judges, are by Law expressly appointed to be Judge. *Cha. 2. Par. 1. Sess. 3. cap. 9.*

African-Company, *see* Trade.

Act Ordering the Payment of the Sums due to the African-Company out of the Equivalent; And Statuting and Declaring the hault Stock, Debts and Effects of the said Company in general, or to the Proprietors concerning the said Company, to belong to Her Majesty *Q. A. Par. 1. Sess. 4. chap. 15. anno 1707. see the Act.*

Air, Appeairand Air, and Airship.

The Moveable Heirship of Barons is the best of ilk a thing, after the Statute of the Burrow Laws. *Jam. 3. Par. 7. cap. 54.*

That Heirs who were at the Field of *Stirling* with King *James* the 4th. be not prejudged by their Predecessors, but all Alienations made sensyne to their hurt, are declared Void. *Jam. 4. Par. 1. cap. 6.*

The Creditor may follow the Heir after a Year, because the Executor in that Year should be Responsal, and the Heir may put him to Compt, and cause him to find Caution. *Jam. 4. Par. 6. cap. 76.*

Heirs of perfect Age lying out Unentered, may be charged on Fourty Days to enter to their Lands, Year and Day being past, after their Predecessors Death: And on their Failzie Comprying may proceed Redeemable always in seven Years, *Jam. 5. Par. 7. cap. 106.* And this course may be taken against them albeit Minors. *Ja. 6. Par. 23. cap. 6.* And as well for their own, as their Predecessors Debts, and the former Act is thus expresly extended. *Ja. 6. Par. 23. cap. 27.*

That the Creditors of the Defunct, be preferred to the Creditors of the Apperand Heir, as to the Defuncts Estate. Providing they do Diligence against the Apperand Heir, and real Estate of the Defunct, within three years after the Defuncts Decease. Item, That no Right, nor Disposition, made by an Apperand Heir, in prejudice of his Predecessors Creditors be valid, unless made a full year after his Predecessors Death. *Cha. 2. Par. 1. Sess. 1. cap. 24.*

An Apperand Heir, or confident to his behoof, acquiring Right to an expired Comprying, led against his Predecessor, the same is declared Redeemable, within the space of Ten Years after the acquiring, by any posterior Compryer, upon Payment allenarly of the Sums truly payed out for the same, at least what is resting thereof, unsatisfied by the Apperand Heirs, or Confidents Intromissions. *Cha. 2. Par. 1. Sess. 1. cap. 62.*

This Act is for ordering the payment of Debts betwixt Creditor and Debitor.

If any since the 1st. *January* 1661. and for hereafter hath served, or shall serve himself Heir, or by Adjudication on his own Bond, hath succeeded, or shall succeed to a remoter Predecessor, then he shall be lyable to the Debts of the Interjected to whom he is Apperand, and who was in possession of the Estate, for the space of three Years; and that to the value of the Estate, and as to by-gains, with preference of his own, and the Predecessors Debt, to whom he is Served. Item, Any Apperand Heir entering to possess his Predecessors Estate, or purchasing any Right thereto by himself, or any otherways than as the highest Offerer at a Publick Roup without Collusion, shall be lyable as if served Heir allowing to the said Apperand to bring the Estate to a Roup. Item, Where Rights and Diligences are settled on such a Relation, as the Apperand may also Succeed to the Apperands, possessing by vertue thereof, except upon Purchase at a Roup, shall not only make him lyable, but those Rights and Diligences shall only be sustained Valid in the Person of that Relation, in so far as truly purchased for Money, and no farther. Item, It is Statute, That Apperand Heirs may enter *cum Beneficio Inventarii*, they giving in Recording and Ex-

Extracting the same within Year and Day as in the Act, in which case he is only to be lyable *secundum vires*, but if he either Intromet before unnecessarily, or thereafter upon omission, he loses this Benefit. *Item*, He may eik within 40 Days of his Knowledge, if the thing be not in the mean time affected by a Creditor. *W. and M. Par. 1. Sess 5. cap. 24.* But such Appearand Heirs as before this Act had purchased Partial Rights to their Predecessors Estates are excepted from the foresaid Act, and allowed to proceed in Purchasing according to to the Laws in force of before. *Sess. 6. cap. 11. Ibid*

Ale and Beer.

The Prices of Ale, and Drinking Beir, should be set by the Lords of Council, according to the Rates of the rough Beir, and Barley. *Cha. 2. Par. 2. Sess. 1. cap. 15.*

That no Salt be made use of in Brewing Ale or Beir any manner of way, under pain of Escheat of Looms and Vessels, and Liquor therein to the Informer, tho' a Servant and Accessary; and of the loss of Liberty and Incapacity, and the Contravention of this Act may be proven by Oath of Party, or *prout de jure*. *W. Par. 1. Sess. 6. cap. 63.*

Alienation Double.

He who gets Lands, or Annualrents, by Sale or Disposition, where Warrantice may fall, bruicks the same Year and Day, by Labouring, or Uplifting the Mails and Duties, is preferred to the Person haveand Private State and Seasing of the same of before, and not Publickly Infeft. *Item*, That no Man grant such Double Alienations, or Double Affedations, or Assignations; And that no Over-Lord receive double Resignation wittingly, under the pain of Infamy, and to be Punished in Person and Goods. *Ja. 5. Par. 7. Cap. 105.* And farther That double Dispositions be not made, and the making thereof is declared to be *crimen stelionatus*. *Jam. 6. Par. 12. Cap. 140.* The Act is, no person may be denounced Rebel upon Letters Charging all and sundry generally.

Alienations made by Traitors, after the committing of the Crime, are Null. *Jam. 6. Par. 2. Cap. 36.*

Alienations Fraudful.

Reductions of Alienations in Defraud of Creditor, are priviledged upon Twenty one Dayes warning, without Dyet, Table, or Continuation: And before the Party Receiver of the Alienation, be admitted to produce and Answer, he should consign in the Clerks hands, a Sum to be modified by the Lords, and given to the pursuer, in case the Alienation be found to be Fraudful. *Jam. 6 Par. 7. Cap. 118.*

All Alienations, Dispositions, and Assignations made by Debtors, of their Lands, Teinds, reversions, and Goods whatsoever, to any Conjunct, or Confident Person, without a true and just Cause,

8 *The Arrangement of the*
after the contracting of their Debts, may be declared Null, at the Instance of just Creditors: And if any third Party Purchase lawfully the saids Lands, or Goods, from the saids Conjuncts or Confidents, his Right shall stand: But the Receiver of the Price shall be liable to make the same Furthcoming to the saids Creditors. *Item.* The Fraud may be proven by Writ. or Oath of the Party Receiver of the said Security, that it was without any true, and just Cause, or that the Lands, and Goods being again Sold, the Price or most part thereof was, or is to be converted to the Bankrupts use, providing always, That what of the saids Lands, Goods, or Price thereof, shall be really applyed by the saids Interposed Persons, to the Bankrupts lawful Creditors, shall be allowed, they making the rest Furthcoming. *Item,* If any Dyvour, or his Confident, shall make any Voluntar Payment, or Right, in Defraud of the more timely lawfull Diligence of another Creditor, having used Inhibition, Horning Arrestment, Comprysing, or other lawful mean, to affect the Dyvours Lands, Goods, or Price thereof, the Dyvour or his Confident, shall be holden to make the same Furthcoming, to the more Vigilant Creditor, who shall be preferred to his said Con-Creditor, and have Action to make him Restore, what was Voluntarily Payed in Defraud, as said is; And all Bankrupts, and their Interposed Persons, for covering their Frauds, and all their willful Assisters therein by Counsell, or otherways, shall be reput Infamous, Incapable of Honour, or Office, or to pass upon Inquests, or to be Witness in Judgement or out with. *Ja. 6. Par. 23. cap. 18.*

Aliment.

That the Lords of Session grant no Aliment upon Bill, tho' in a depending Process, but that Aliments be pursued before them by way of Action to be summarly discusst. *W. P. 1. Sess. 6. cap. 21.*

St. Andrews, *see* University Ann.

The Ann due to the Executors of deceast Bishops, and Ministers, is declared to be a half a Years Rent, over what is due to the Defunct for his Incumbency; To wit, If he survive *Whitsunday*, the half of that Year is due for his Incumbency, and the other half for the Ann: And if he survive *Michaelmass*, the whole year is due for his Incumbency, and the half of the next year for the Ann: And the Executors need not to confirm the Ann. *Cha. 2. Par. 2. Sess. 3. cap. 13.*

Annexation, and Annexed Property, *see* Dissolution.

Annexation of the Customes, and Burrow Mails, to the Crown. *Jam. 1. Par. 1. cap. 8.*

Act Annexing certain Lordships, Lands and Castles, to the Crown, therewith to remain perpetually, which may not be given away in Fee, or frank Tenement, without Advice and Decreet of the whole Parliament, and for great and seen Causes, for the good of the Realm: And any Alienation otherwayes made by the King, or his Successors to be of none avail: But the King for the time may resume the Lands, without Process, and make the Possessors re-found all Profits: And that the King, and His Successors Swear at Their Coronation, to keep the Statute. *Jam. 2. Par. 11. cap. 41.*

Annexation of the Earldom of Ross to the Crown, not to be Annailzied, Except that it may be given to one of the Kings second Sons. *Jam. 3. Par. 9. cap. 72.* And the Earldom of Ross, and Lordships of *Ardmanoch*, are appointed to be the proper Patrimony of the King's second Son. *Jam. 6. Par. 11. cap. 30.*

Annexation of the Earldom of March, and other Lands to the Crown, with the same Clauses, set down in the Act. *Jam. 2. Par. 11. cap. 41. Jam. 3. Par. 14. cap. 112.*

Annexation of Lands to Baronies, and the Effect of it, see Baronies.

Annexation of certain Lands by King *James 5th*, not to be Annailzied, without Decreet of Parliament, for great and reasonable Causes, First advised by their Estates. *Jam. 5. Par. 6. cap. 84.*

Another Annexation made by him of more Lands, with an Exception, only to set in Feu, for Augmentation of the Rental, conform to the Acts of Dissolution. *Jam. 5. Par. 7. cap. 115.*

Annexation of the hail Temporality of the Kirk to the Crown, made the 29 of July 1587. and to begin from the Term of *Martinmas Inclusive*, the said year; But with a dissolution, that the same may be set in Feu; And the Ecclesiastick Persons are declared free of Warrandice, except frae their own Deeds. And the Act contains many other Conditions and Exceptions; as particularly, it excepts all Teinds pertaining to any Personage, or Viccarage, where the Stock and Teind are not set together: All Castles, Houses, and Mansions with Biggins and Yards thereof, lying within their Precincts, pertaining to Bishops, and other Prelates, all Persons and Vicars Manfes, with four Aikers of Gleib, appointed for Ministers, all Lands Teinds and others disponed to Colledges, Schools or Hospitals, or for sustentation of Ministers, within Burgh, together with all Laick Patronages: As also, without prejudice of all Feus, Tacks, and other Rights, and all Pensions lawfully disponed of before: Providing alwayes, that the Superiorities belong to the King, and that the Heirs of the Vassals be entered by Brieves out of his Highness Chancellary, as the Heirs of his other Tennents. *Item*, That when Stock and Teind are set in Feu together, the Superiority remain entirely with the King, and the Ecclesiastick Person, to have the Tenth of the whole Duties, payable for Stock and Teind. *Item*, That Burrows of Regality, and Barony formerly holden of the Kirk, enjoy the same Rights and Liberties of exercising Merchandise

dice, and having their own Officers to be holden of the King: Also that the King now become their Superior, have the same Right to the Non-entrys of Tenements and Annualrents within the same, seeing they are not free Barons Regal, that the Prelates had before, and that the Entries be expedite by his Highness Chancellary. *Item*, This Annexation prejudices not Heretable Baillies, and Stewarts of Kirk-lands, except only, as to the change of their Superior. *Item*, The King reserves Liberty to himself. to make from this Act of Annexation, what Exceptions he pleases, being signified under his own, and the Lord Chancellors hand, betwixt and the 15 of August then next, several of which Exceptions are subjoined in the Act, *Jam. 6. Par. 11. cap. 29.* But this Act rescinded, in so far as prejudicial to the Estate of Bishops, *Jam. 6. Par. 18. cap. 2.*

Prelates and others, whose Lands are Annexed to the Crown, are declared free of all Warrandice of any Disposition whatsoever made of, or anent their Temporalities? Except in the case of double Rights, and from their own Deeds. *Jam. 6. Par. 11. cap. 110.*

Annualrents payed out of the Kings Annexed Property to any Prelat, or other beneficed person after their Decease, remain with the King as a part of the Patrimony of his Crown. And it is Statute, That none have Right thereto hereafter, without prejudice to Hospitals, Colledges and Schools. *Jam. 6. Par. 13. cap. 167.* See Comptroller and Exchequer.

Act Annexing the Lands therein contained to the Crown, with the ordinary Clauses, And expressly, that they may not be given away in free frank Tenement Pensions, or other Disposition, except for great and reasonable Causes concerning the Realm, first to be advised by the whole Estates of Parliament, and their Decreet interponed. *Ibid. cap. 176.*

Annexation of the Lands, Teinds, and others lyand on the North side of the Water of Forth, excepting the Baronies of *Burnt-Island*, and *New-burn* and with an ample exception and ratification of the Infeftments of the Barony of *Musleburgh*, granted to the Lord *Thirlestane*. *Jam. 6. Par. 13. cap. 189.*

Act Ratifying all former Acts of Annexation, specially the Acts *Jam. 2. Par. 11. cap. 41.* and *Jam. 5. Par. 6. cap. 84.* and Rescinding the Act of Dissolution past in Parliament in King *James* the Sixth his Minority. *Jam. 6. Par. 9. cap. 6.* and all other Acts of Dissolution made in the Minority of Kings, albeit the same with the Infeftment thereon be ratified in Parliament in their Majority. *Jam. 6. Par. 14. cap. 203.*

Item, The Kings Castles, Palaces, Yards, Woods, Parks, Forests, Pastures, and in special the Lowmonds of *Falkland*, *Coal-Heughes*, and *Offices*, are Annexed inseparably, and excepted from the Dissolution. *Ibid. cap. 204.* The Act is, General Dissolution of the Property, See the Act Dissolution. And all Heretable Alienations, Affedations, Rentals, Pensions, and other Dispositions of the Kings Palaces, Castles, Parks, Meadows, Coal-Heughes, and in special of the Palaces of *Halysrudbouse*, and Park thereof, *Linlithgow* Park and Coal thereof, *Falkland*, Coal, Park, and Lowmonds thereof, Castle of *Stirling*, Parks, and Wairds thereof, and of the

Forwood, Castle of *Dumbartoun*, with the Lands and Maines there-
o adjacent, Castle of *Blackness*: And generally as in the former
Act, are declared null, from the beginning. *Jam. 6. Par. 15.*
cap. 235. But the Grounds of demolished Castles, Bounds, Mea-
lows, and Lochs belonging thereto, with the saids Coal-Heughes
are again dissolved. *Jam. 6. Par. 16, cap. 8.* See the Act of Dissol-
ution.

Annexation of the Few, and Blanch Duties of all Erections to
the Crown, and discharging and annulling all Pensions, or other
Dispositions, made since the Act of Annexation of the same, or of
any Temporalities of Vacant Benefices, fallen to the King, since
the said Act, notwithstanding of whatsoever grant, or confirma-
tion thereof in Parliament. *Jam. 6. Par. 14. Chap. 207.*

That all Few Lands Annexed to the Crown, by the Act 1587
remain therewith, and that all Few Lands whatsoever be availed
and retoured, and be lyable to Taxations accordingly. *Ibid. Chap.*
29.

All Infeftments of the Annexed Property given by the King, or
any of his Predecessors, are declared null, except set by them be-
ing of perfect Age, after Dissolution made in Parliament, in their
Majority, with Augmentation of the Rental, *Jam. 6. Par. 15.*
chap. 233.

The Annexed Property cannot be set, or Disposed, but in few
farm, and all Dispositions thereof, by Ward or other manner of
holding, are null, Except Infeftments granted by the King, or his
Predecessors, by way of Excambion without diminution of the
Rental. *Ibid. Chap. 234.*

All Alienations, Rentals, Tacks, Pensions, Discharges and
other Dispositions whatsoever, of the Annexed Property, and
pecially of the Customs made before Lawful Dissolution, or con-
trary to the conditions thereof are null by way of Action or Excep-
tion. *Ibid. Cap. 236.*

And sicklike of the Assise Herring, because they are part of the
Kings Customs and Annexed Property. *Ibid. Cap. 237.* And sick-
like of the Feu-farm Duties of the Annexed Temporality, or of
any part of the Patrimony of the Crown, *Ibid. Cap. 239.* All
free Gifts, and Discharges of the Kings Property, Fees, Casualti-
es, or Priviledges, pertaining thereto, are declared null, *Ibid.*
cap. 238.

The two part of the Spirituality unassumed of all Prelacies, *Se-*
le vacante, declared to appertain to the King, and that it may not
be put away by any Disposition whatsoever. *Ibid. Cap. 242.*

Ratifications in Parliament do not derogat from the general Laws,
about the Annexed Property, except the same be made expressly,
dispensing with the saids Laws by advice of the three Estates, spe-
cially therein mentioned. *Ibid. Cap. 243.*

Annexation of the Earldom, Lordship, and Lands of *Gowrie*,
and *Scoon*, to the Crown, not to be Annailized therefrom, with-
out advice of Parliament, for great and seen Causes first to be ad-
vised, and considered by the Estates, but with several Exceptions
contained in the Act. *Ja. 6. Par. 16. Cap. 2.*

Act of Annexation, ratifying all former Acts of Annexation, specially the Act, *James 2. Par. 11. Cap. 14*, And annexing *de novo* all therein annexed: Attour annexing the Superiority of all Lands and others pertaining to any Abbacy, Priory, or other benefice whatsoever, erected before or after the Act of Annexation 1587. With the whole Feu-mails and Rents thereof, to abide with the Crown for ever. Reserving to the Titulars of Erection who have Subscribed the Surrender, the Rents of the saids Superiorities ay till they receive payment of the Sum of a Thousand *Merks*, for each Hundred *Merks* worth, of all other constant Rent, not being naked service of Vassals; As also their Property and proper Land, to be holden of his Majesty for the Duties contained in their old Infeftments before the said Act of Annexation, and all deeds, preceeding the date, and in prejudice hereof are declared null: And the Acts, *James 6. Par. 15. Cap. 233 234, 236*. (all above) are specially ratified, Rescinding all Deeds in the contrary: Excepting always from this Act all Lands, Superiorities and others pertaining to Arch-Bishops, Bishops and their Chapters, *Car. 1. P. 1. Cap. 10*.

And this Act Ratified, and the Superiority of all Lands, and others belonging to the saids Benefices, whereof the presentation belonged to his Majesty, and his Predecessors, and Erected as said is, of new Annexed, and all Gifts and Grants made by his Majesty, or his Father, since the Surrender 1627, whereby the profits of the saids Superiorities were, or may be conferred to any, except the proper Vassals thereof, are declared to be null; Reserving the Feu-Duties to the persons having Right thereto, *ut supra*; And reserving to the Earl of *Lauderdale* his Infeftment of the Lordship, and Regality of *Musselburgh*, and the Lords of Exchequer and all others are Discharged the passing any of the saids Rights and Grants hereby declared null; Except Infeftments in favours of the Lords of Erection ay and while they be redeemed, and with the whole remanent exceptions contained in the said former Act, declaring nevertheless that any who have got or shall get new Infeftments of Superiority of Kirk-Lands, the same shall stand good as to such Vassals, who have given their consent to the saids Rights; Because the said consent is of the nature of a Resignation of Property in their favours, but prejudice to his Majesty of his Right of Reversion, and of the Feu-Duties and Casualties conform to the Act. 1633. *Car. 2. Par. 1. Sess. 1. Cap. 53*. Special Ratification of that part of the Act of Annexation 1587. Annexing the Right and Priviledge of Regality, belonging to any Abbacy, Priory, or other benefice to the Crown, declaring that the Heirs of Vassals shall be entered by briefes forth of his Majesties Chancellary, directed to the Magistrates of the Burghs of the saids Regalities. And farther all Right granted by his Majesty, His Father or Grand-Mother of any of the saids Regalities, is rescinded, and the Right thereof is declared to appertain to his Majesty, and his Successors, without respect to any exception contained in the said Act of Annexation; Reserving always to Heritable Baillies, and Stewarts of the saids Regalities, the Rights granted to them by the benefices

beneficed persons preceeding the Erections, and this Act extends not to any Right of Regality pertaining to Arch-Bishops and Bishops, nor yet to the Infestment of the Barony of *Broughtoun*, granted to the Earl of *Roxburgh* in the Year 1630. *Car. 1. Par. 1. Cap. 13.*

Act Ratifying former Annexations, and the Decree reductive against the Earl of *Mortoun* of the Earldom of *Orkney* and Lordship of *Zetland*, and of new annexing the same to the Crown: And also excepting them from all general Acts of dissolution, and that no Right to be granted thereof hereafter without the Advice and Decree of Parliament upon mature deliberation, and expressing the particular Causes first given thereanent. As also the Act suppresses the Office of Sheriffship, and Feudrie therein, and Erects them in a Stewartry, not to be given Heretably to any person without advice and consent foresaid, without prejudice to the Bishop of *Orkney* of his Patrimony, and of his Majesties Vassals in the said Isles of their Priviledge of sending Commissioners to Parliament, *Car. 2. Par. 2. Sess. 1. Cap. 13.*

Annexation of several forfeited Estates to the Crown, *Ja. 7. Par. 1. Cap. 42.* But all those Forefaultures are reduced, and that Act rescinded. *W. & M. Par. 1. Sess. 2. Cap. 28.*

Annexation of the Baronies of *Muirhall* and *Melfort* to the Crown. *Ja. 7. Par. 1. Sess. 2. Cap. 9.* But rescinded *W. and M. Par. 1. Sess. 2. Cap. 28.*

Act renouncing the Reversion of Kirk-Lands, provided to the King by the Act, *Car. 1. Par. 1. Cap. 10.* above, Queen *Anne Par. 1. Sess. 4. Cap. 11. An. 1707.* See it in Kirk-Lands.

Annualrent, see Usury and Retour.

All Annualrents of Victual, or Silver sold in time bygone, and redeemable, may be redeemed, by Payment of the principal Sum, contained in the Reversion and byrun Annuals thereof, at Ten per Cent. Notwithstanding of Security given for greater Annual. *Ja. 6. Par. 12. Cap. 135.*

After Denunciation to the Horn, the Sums denounced for, bear Annualrent untill the payment, albeit there was no paction made for Annualrent, and the Act is extended to all that they stood denounced for, *quoad futura* from the Term of *Martinmass* thereafter. *Ja. 6. Par. 23. Cap. 20. 4 August 1621.*

Annualrent Reduced from Ten to Eight per Cent. and that none take more, under the pain of Usury, but the Execution of the Act suspended for three years after the date, in respect two of the Ten per Cent. in that space granted to his Majesty. *Car. 1. Par. 1, Cap. 21. dated 28 June 1633.*

Annualrent reduced to Six per Cent. and the same declared to be free of all Retention, and other publick burdens *Car. 2. Par. 1. Sess. 1. Cap. 49.* But Retention granted to the Debtors for one year, from *Martinmass* 1672, to *Martinmass* 1673. of one

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sixth part thereof, at the payment of the other five parts. *Car. 2. Par. 2. Sess. 3. Cap. 4. See it in Supply,*

Annuity of 40000 Pounds Sterling to the King.

Act for raising this Annuity to His Majesty yearly, during his Life, extending in Scots Money to 480000 Pounds yearly; Where of 96000 pounds Scots, or 8000 pounds sterling to be raised yearly by an Excise upon the Coal, and Salt, and Forraign Commodities specified in the Act, and the Remainder being 384000 pounds Scots, or 32000 Pounds sterling, to be raised by an Excise upon the Beer and Ale, Aquavity, and Strong Waters brown and sold in the Country, at the rate in the Act (see it in *Excise*) for which end it is proportioned among the Shires and Burghs. And it is ordained, that what the saids Excise in each of them shall fall short of their *Quota* be supplied by the Heretors in Lieu of the Malt brown in their own Houses, according to Rule of the Valuations as settled before *August 1660*. And Commissioners are appointed for each Shire, and Burgh, with full power to collect the said Excise, poind and quarter therefore, and do all things else necessary; and they are declared to be obliged to pay in the same at four Terms in the year, beginning the first at *Lambmas* 1661, and the Council is impowered to name new Commissioners, in the place of any deceased, or disabled. *Item*, The Excesse of the Excise of the Inland Salt, and Forraign Commodities, if any shall be, is appointed to be applyed for Releif of any Shire, or Burgh overburdened, or disproportioned in their *Quota* set down in the Act *Car. 2. Par. 1. Sess. 1. Cap. 14. Anno 1661*. But the Proportions here set down on Shires, and Burghs are again rectified *Car. 2. Par. 1. Sess. 3. Cap. 25*. This Annuity continued for five Years after His Majesties Decease. *Car. 2. Par. 3. Cap. 8. See it in Excise.*

Annuity of Teinds.

Act Ratifying the Act of the Commission of Teinds the 29 of May 1627. Giving to His Majesty and His Successors, an Annuity out of the Teinds, except the Teinds payed to Bishops, in the state wherein the same is presently payable, and the Teinds payed to Ministers, Colledges, Hospitals and pious Uses, That is to say, of every Teind Boll of the best Wheat. 10. Shillings, of the best Beer 8 Shillings, of the best Oats, Meal, Pease and Rye, 6 Shillings; And where the Victual is worse, that the Annuity diminish proportionally, and where the Teinds, Parsonage or Vicarage consists in Money, that the Annuity be 6 per Cent. with the rest of the Acts of the said Commission set down in the Act, and it is declared, that this Annuity is not annexed to the Crown; But left to His Majesties free dispose. *Cha. 1, 1. ar. 1, cap. 15.*

Apparel Ordinary.

That none wear Silk or costly Furring, except Knights and Lords, of 2 Hundred Merks yearly, and their Eldest Sons without licence of the King, and that none other wear Broidery, Pearle, Bullion. *Ja. 1. Par. 9. Cap. 119.*

Another Regulation of Apparel, and that no Woman come to Kirk, or Merkat, with her Face Musled under the pain of Escheat of the Courchie. *Jam. 2. Par. 14. Cap. 70.*

That none wear Silk, except Knights, Minstrells and Heraulds, and such as have one hundredth Pounds worth of Land-Rent, under pain of Escheat of the Silk, and of Twenty Pounds to the King, *Jam. 3. Par. 6. Cap. 46.*

Act and particular Regulation about wearing Apparel, wherein Two thousand Merks and Fifty Chalder of Victual *per annum* are Equiparat. *Jam. 6. Par. 7. Cap. 113.*

Another Act Regulating Apparel, wherein 80 Chalders Victual, and six Thousand Merks *per annum* are made Equivalent, *Jam. 6 Par. 23. Cap. 25. anno 1621.* Another Act anent Apparel. *Cha. 2. Par. 2. Sess. 3. Cap. 10. anno 1672.* And Rectified *Cha. 2. Par. 2. Sess. 4. Cap. 3.* But all thir Acts are innovat by the Act of Trade. *Cha. 2. Par. 3. Cap. 12. See it in Trade.*

That none wear Gold or Silver, or Counterfits in Apparel after the first of June 1699, nor in Horse Furniture already made after the first of June 1701 under the pain of destroying the Apparel or Furniture, and 500 Merks, half to the Discoverer, half to the Judge or Justice of Peace, who is to judge summarly and imprisonment for the Fine, excepting from this Act the Officers and Souldiers of the Horse and Foot Guards, 2s to their Livery-Cloaths and other Accoutrements. *W. Par. 1. Sess. 7. Cap. 7.*

Apparel Solemn.

The manner of Arrayments for the Parliament, and for fore-speakers. *Ja. 2. Par. 11. Cap. 47.* Ratified and that the King make the Paterns, *Jam. 2. Par. 14. Cap. 68.*

That Magistrates of Burghs and their Commissioners to Parliaments, wear at Parliaments, and other Solemn Times, such decent Apparel as his Majesty shall prescribe, and the Parliament refers to the King, to appoint the habits of the Lords of Session, and all other Inferiour Judges: As also of all Criminal, and Ecclesiastick Judges and of all Advocats, and others living by practice of Law. *Item,* That all Ministers wear Black, and all Prelates Grave and Decent Apparel, And farther that what Order his Majesty shall prescribe for the Apparel of Kirk-Men agreeable to their State, and moyen, being sent to the Clerk Register, shall Be by him insert in the Books of Parliament, to have the strength of an Act thereof, that Letters may be direct thereupon, Charging the persons concerned to provide within Forty Days, and wear, and use the said Apparel at the Times, and in the manner as his

Highness shall appoint. *Jam. 6 Par. 20. Cap. 8. Item, This power as to the Apparel of Kirk-men is declared to remain with King Charles the first and his Successors. Cha. 1. Par. 1. Cha. 3. See it in King.*

Arbiter, and Overs-Man.

The way of appointing an Overs-Man for Submissions then Depending, and that thereafter all Arbiters be chosen of an Odd, and not of an Even Number, otherways the Submission to be Void. *Jam. 1. Par. 6. Cap. 88.*

Archer.

That all Men busk themselves to be Archers, frae they be Twelve Years of Age, and that in ilk Ten Pounds Land, there be Bow marks. *Jam. 1, Par. 1, cap. 18.*

Argyle.

Address of Parliament against the late Earl of *Argyle*, and his Associates, dated the 11 of June 1685. *Ja. 7, Par. 1, cap. 36.* but the Clauses thereof against Mercy and Intercessions annulled. *Ibid. Sess. 2, cap. 25.* and the whole Rescinded, *W. and M. Par. 1, Sess. 1. cap. 4. and Sess. 2. cap. 28.*

Act Annexing the Heretable Offices and Superiorities belonging to the Earl of *Argyle* to the Crown, *Ja. 7, Par. 1, cap. 40.* but Rescinded *W. and M. Par. 1, Sess. 1. cap. 4. and Sess. 2. cap. 28,*

Act Rescinding the Forfeiture of the late Earl of *Argyle*, with the two Acts above set down, and Restoring the present Earl, and the late Earls Posterity by way of Justice, *W. and M. Par. 1, chap. 4.*

Act allowing Quartering for the Bishops Rents, within the Bounds of the Synod of *Argyle* and the Isles, but this Act only to endure untill the next Session of Parliament, *W. and M. Par. 1, Sess. 4. cap. 10.*

Army see Host.

Armour, or Harness.

That all Merchants bring home Harness and Armour, *Jam. 1, Par. 3, cap. 47. See Weapon-shawings.*

That ilk Man of 20 Pounds Rent, or 100 Pounds of Estate be Horfed, and haill Harnassed, and other Simplar, as in the Act, *Ja. 1, Par. 9, cap. 120,* And that Zeamen be Graithed for Wear as the Act, *Ibid, cap. 121.* And that the Baron, and in his Default the Sheriff see his Men so Boden, under the pains set down in the Act *Ibid. cap: 122,* and *Ja. 3, Par. 6, cap. 45.*

That ilk Burges of Fifty Pounds be Armed as a Gentleman, and the manner as in the Act, under the pains therein set down, *Jam. 1, Par. 9, cap. 123.* and how Men should be Harnassed, *Jam. 2, Par. 13,*

Par. 13, cap. 55, Ja. 3, Par. 11, cap. 81. 2nd Ja. 5, Par. 6, cap. 87, and 88.

Arrestment, and Breaking, and Lousing thereof.

Probation of all Arrestments made by Crowners and Serjeants, to be by Witness, *Jam. 3, Par. 7. cap. 53.*

That the Lords proceed summarly in Actions for Breach of Arrestment, to put them to a point, without Intermission: And the Breakers to be punished by Escheat of Moveables, and their Persons to be in the Kings Will, and that their Escheat be burdened with the payment of the Arresters Debt, his Expences highly Taxed, and with the Sum to be Modified by the Lords of Session for his Damage in the first place, *Jam. 6, Par. 7, cap. 118.*

That all Bills for lousing of Arrestments past by the Lords of Session be past upon Caution, to be found in their Books, and that the Clerk receive the said Caution before he give out the Bill, and all lousing of Arrestments otherwayes made to be Null. *Jam. 6. Par. 22. cap. 17.*

All Sums of Money addebted by Bonds, or other Personal Obligements whereupon no Infestment hath followed, are declared Arrestable, and that without changing the nature of the Sums, as to the Heir or any pretending Right to them as Heretable, and also but prejudice to Creditors to Comprise rather than Arrest, if they so choose, *Cha. 1, Par. 1, Sess. 1, cap. 51.*

For what Debts Burgeses of Burghs Royal may Arrest Strangers, *Cha. 2, Par. 2, Sess. 3, cap. 8.* where Magistrates of Burghs of Regality are prohibite to Arrest any for Debt, but allenarly their own Burgeses. See the Act in Burgh.

Articles, *see* Parliament.

The Articles of Perth Assembly.

These Five Articles concluded in that Assembly Ratified, 1. That the Sacrament of the Lords-Supper, be Celebrat by the People on their Knees. 2. That it be privatly Administrat to Persons on Death-Bed, Three or Four being present to Communicat with them, and a place convenient, and all things necessary decently provided. 3. That Baptism when great need shall Compel, be Administrat in privat Houses, and Declaration made thereof the next Lords-Day in the Congregation. 4. That Ministers Catechise all Young Children of Eight Years of Age, and that the Bishops in their Visitations, cause present them to them, and Bless them with Prayers. and 5. That the Dayes of our Lords Birth, Passion, Resurrection and Ascension, and sending down of the Holy Ghost be observed by the Ministers in Commemoration of these inestimable Benefites. Which Articles are ordained to be obeyed as Laws, and all Laws,

and Customs in the contrary Rescinded, Ja. 6. Par. 23, Cap. 15. but this Act Rescinded. W. and M. Par. 1, Sess. 2, Cap. 5.

Assassination.

That not only all Assassines, but all who shall assert, That it is Lawful to kill any Man upon difference in Opinion, or because they have been employed in the Service of the King, or of the Church as now Established, shall incur the pain of Treason. Cha. 2, Par. 3. Cap. 15.

Assembly, see Synod National.

The General Assembly of the Kirk held at Glasgow in the Year 1638. Declared Unlawful and Seditious, and all its Deeds and Acts, with all Ratifications thereof, made Void from the beginning, and in all time coming, Cha. 2, Par. 1, Sess. 2, cap. 2. The Act is, for preservation of his Majesties Person, Authority and Government.

Affisours, Affise, or Inquest.

That no Officiar of any Country, nor Inditer of any Man, be on his Affise, under the pain of Ten Pounds to the King, Ja. 1, Par. 3, cap. 50.

Affisours should Swear, That they neither have taken, nor shall take Meede, or Budd of any Party, and if any be given or hecht, or any Prayers made to them before the giving out of their Verdicts, they shall reveal the same in plain Court, Jam. 1, Par. 13, cap. 138.

If any Man be grieved by the partial Malice, or Ignorance of an Affise, or Inquest of Heretages. not being an Affise of a brieve Pleadable, the Affise may be Summoned before the King and Council: And if the Falsehood or Ignorance be proven, That the Verdict be reduced, and the Affisers punished after the Law, in the first Book of the Majesty *contra temere jurantes super Affisam*, But if the Complainer be in the Wrong, that he pay Ten Pounds to the King, and to the Party his Expences, Jam. 3. Par. 6, cap. 48. See Error.

Affisours in Criminal Causes acquitting the Persons shawn before them wilfully, against Notour or Manifest Knowledge, may be called by King and Council, and enquired if they all agreed, or not, and the Persons Confessing, or Excusing, are Convict by a great Affise of Twenty Five Noble Persons Cognoscing on the former Evident, and Ordained to be Punished after the Law of the Majesty, for their *Juramentum Temerarium*, but the Deliverance of the foresaid Affise, to stand *quoad* the Party, Ja. 3, Par. 6, cap. 64.

That in the brieve of Inquest, Persons present may be compelled, without Summons to pass upon the Inquest. Jam. 4, Par. 6, cap. 94.

That Affisers may Verify and Prove by themselves, Insinuat by the Act, Ja. 4, Par. 6. cap. 94.

That in Justice Aurs, and particular Dyets, the haill Assisers be called, and the absent Amerciat, to move them to better Obedience, *Ja. 6, Par. 11, cap. 76*, The Act is, the King may pursue all Crimes without the Party, and that the Extract of the Act of the Un-lawed be delivered to the Treasurer, within six Days, that the Un-laws may be charged for, and taken up without Composition, *Jam. 6, Par. 12, cap. 126*, See the Pains of Assisers absent, in *Pains*. That the Accusation, Reasoning, Writs and Witnesses, and other Probation, and Instruction whatsoever be Alledged, Reasoned, and Deduced to the Assise, in presence of the Party Accused, in Face of Judgement, and no otherways, *Jam. 6. Par. 11, cap. 90*.

Any Assiser having a Doubt, should propone the same openly in presence of the Parties in Face of Judgement, and after the Assise have chosen their Chancelour, They should be inclosed in a House by themselves, and none suffered to be with them, or repair to them in any ways, neither Clerk, nor others under any pretence, or for any occasion whatsoever, and that the House be kept fast, and they not suffered to come out for any cause, nor to continue the giving of their Sentence to any other time, but that they be inclosed until they be fully agreed, and return their Answer, and if the Accuser, Informer, or any Person pretend to Inform, speak or repair to the Assise after their removing and inclosing, or transgress any point of this Act, the Party Accused shall be pronounced Clean, and this shall be a sufficient Warrant to the Assiseours to do the same, *Ibid. cap. 91*.

That the Clerk, nor no other Person be present with the Assise, after they are inclosed. *Item*, That the Chancelour of the Assise, mark every Assisers Vote, Condemning or Assoilzieing, on the same Paper with the Verdict, and to be closed and sealed by the Chancelour, and some of the Assisers, and not to be opened, but by order of the Judges, *Eba. 2, Par. 2, Sess. 3, cap. 16*.

Association.

Act Ordaining the Association therein set down to be Signed by all Persons in Publick Trust, Civil or Military, and the manner and days for Subscribing remitted to the Council, *W, and M, Par, 1, Sess. 6, cap. 3*.

Assurance.

That the King's Peace be Assurance to all Men, so that no Man need have Assurance of another, *Jam. 2, Par. 6, cap. 12*. The Act is, The Proclamation of General Peace, &c.

That none take, or sit under the Assurance of Theives, or pay them Black-Mail, under the pain of Death and Escheat, *Jam, 6, Par, 1, cap, 21*. See it in *Theift*,

That all obliged to Swear the Oath of Alledgance, or to whom the same shall be put, by the Council as they are Impowered, do also Subscribe the Assurance, acknowledging their Majesties in the form subjoined to the Act, or otherways shall be repute Disaffected
and

and deprived of all Office, Benefice and Jurisdiction, and obliged to have Security for the Behaviour at sight of the Council as in the Act, *W, and M, Par, 1, Sess, 2, cap, 38.* But as to the Assurance, See the Act *W, and M, Par, 1, Sess, 4, cap, 6, in Oath of Allegiance.*

B.

Bails.

THE manner of taking by Bails to give notice of Invasions from *England, Ja, 2, Par, 12, cap, 48.*

Baillies, *see Judges, and Sheriffs.*

Bankrupts, *see Fraudful Alienations.*

Act Impowering the Lords of Session, upon a Process at the Instance of any Creditor having a real Right, to value such Estates as belong to Notorious Bankrupts, and whereof the Creditors are in Possession, and to appoint Commissioners to Sell the same, at the said Rate, or more, and that the Sale be made by a Roup, upon the Intimation set down in the Act, and being reported to the Lords, and Registrar, that it be as Valid, as if made by all Persons having Interest; and that the Price be distribute by the saids Commissioners among the Creditors, conform to their several Rights and Diligence, *Cha, 2, Par, 3, cap, 17.*

This Act altered, and it is declared that the Lords shall Adjudge by the Decreet of Sale, in favours of the Buyer, who shall be thereon Inest, and that this may be done so soon as it shall be found that the Debitor is utterly Intolvent, whether the Legal be expired or not. *Item,* If no Buyer be found, the Lands and Estates may be divided; As also the Lords may determine the value of Liferent-Escheats, and the Lands or Price to be divided among the Creditors according to their Diligences and Preferences, *W, and M, Par, 1, Sess, 2, cap, 20.*

The Price of Bankrupts Lands sold may be consigned in the Town of *Edinburgh's* hands, 2 Year after the Decreet of Sale, and the Town is allowed to keep the consigned Money for a year, from the first Term of *Candlemass, Whiresunday, Lambmass* or *Martinmass* after the consignation; but then the Money must be made furthcoming on the Lords order under the penalty of 10 per Cent. and of the ordinar Annualrent after the date of the charge; And this Money retained by the Purchasser, for a Liferent may be consigned after the Death of the Liferenter on Intimation to the Creditors.

10rs. *Item*, The Purchaser paying or consigning as above, is to be exonerated, and the purchase freed of all Deeds of the Bankrupt or his Predecessors, from whom he had Right, and his Heirs or Creditors without exception of Minority, have only access to the Receivers of the Price, Reserving to Minors their Relief. *Item*, The Lords may Ordain the Town to be Charged for the Consigned Money, the Creditors Consigning in the Clerks hands their Conveyances in Favours of the Purchaser, And upon Application of the Creditors, the Lords may give warrant to imploy the Money on Security for Annualrent, *W*, and *M*, *Par. 1, Sess. 5. cap. 6.*

He is declared to be Bankrupt, who being under Horning and Caption, and found by Decreet of the Lords to be Insolvent, is either Imprisoned or Retired to the Abbay, or other Priviledged Place, or Fled, or Absconded, or who Defends his Person by Force, which being found by a Declarator of the Lords, all Voluntar Deeds made by the Bankrupt, at or after, or in the space of Sixty Days, before his becoming so, in Favours of any of his Creditors, either in Satisfaction, or for Security shall be Null, And Heretable Rights whereupon Infestment may follow, granted by the said Bankrupts, are only reckoned as to this case, to be of the date of the Seasin, but prejudice of their Validity as to other Effects. *Item*, Infestments of Relief as to Debts to be contracted thereafter, are of Force as to Debts contracted before the Seasin. *Item*, A Fraudulent Bankrupt is not only Infamous *Infamia juris*, but may be farder punished by the Lords of Session, Death excepted, and no dispensing with the Habit, allowed in Cessions, unless the Bankrupts failing through misfortune be Lybelled and Proven, *W*, and *M*. *Par. 1, Sess. 6, cap. 5.*

Bands, *see* Leagues.

There is mention made in several Acts of Parliament *James 6th*, of a general Band, It seems it hath been a Band for keeping the Peace, and it is Statute, That the pains thereof be divided betwixt the King and the Party, *Jam. 6, Par. 15, cap. 270.*

Bonds Privat, *see* Writes.

That all Bonds for Sums of Money, bearing Annualrent made since the 16 of November 1641, be understood to be Moveable, unless they bear an expresse obligation to Infest, or be conceived in Favours of Heirs and Assignes, (secluding Executors) in which cases, they are declared Heritable, Declaring nevertheless, that the saids Bands bearing Annualrent, shall remain in the same condition, *Quoad Fiscum, & Jus Mariti, & Relicta*, as they were before the Year 1641. *Cha. 2, Par. 1. Sess. 1. cap. 32.*

Banqueting.

Act limiting the number of Dishes for every Mans Table, *viz.*
For the Earl or Bishop, Eight, the Lord, Abbot, or Dean, Six,
the

the Baron, Four: A Burgeſs or other Subſtantious Mañ Three: And one kind of Meat in every Diſh, under the pain of 100 Pounds, 100 Merks, 40 Pounds, and 20 Merks Reſpective: Excepting from this Act Marriages, as alſo Banquets to be made to Strangers, by Biſhops, Lords, Barons, Provosts and Baillics of Burghs, and none elſe, *Q. M. Par. 1, cap. 25.*

That no Perſons under the Degree of Barons and Landed Men, worth Fifty Chalder of Victual, or Two Thouſand Merks per Annum, have at their Table Forreign Drugs, or Confections, and that there be no Banquets at Upſittings, after Baptiſms, under the pain of 20 Pounds, to be payed by the Maſter, and all the Partakers, and Eſcheat of the Drugs, and that open Doors be made to all Judges Ordinary, for diſcovering the Offenders, *Jam. 6, Far. 7, cap. 114.*

Another Act anent Banqueting and Diſcharging Confections under the pain of 1000 Merks, *Ja. 6, Par. 23, cap. 25.*

Act reſtraining the Exorbitant Prices of Baptiſms, Marriages, and Burials. *Cha. 2, Par. 3, cap. 14.*

Baptiſm.

That none Baptiſe their Children, but by the Miniſter of their own Pariſh, or by a Licenced Miniſter upon a Certificat from him, or in his abſence from a Neighbour Miniſter, under the pains, every Heretor Liferenter, or Wodſetter, of a fourth part of his valued Rent, every Perſon above the degree of a Tennent, and every conſiderable Merchant, 100 Pounds, every Inferiour Merchant, or conſiderable Tradeſman, and every Tennent 50 Pounds, every meaner Burgeſs or Cottar 20 Pounds, and every Servant of half a Years Fee, and the Execution is committed to Sheriffs, Stewarts, Lords of Regality, and Magiſtrats of Burghs, who are allowed all the Fines, except theſe of Heretors, for which they are made Comptable to the Theſaurer, *Cha. 2, par. 2, Seſ. 2, cap. 6.* And this Act and the Pains therof, extended to ſuch as keep their Children Unbaptiſed for the ſpace of thirty Days together, or produce not a Teſtificat under the Miniſtes of the Pariſh his hand, or if the Kirk be Vacant under a Neighbouring Miniſters hand, that the Children were Baptiſed within the ſaid ſpace, *Ibid. Seſ. 3, cap. 11.*

The Exorbitant Expences of Baptiſms reſtrained, *Cha. 2, par. 3, cap. 14.*

Barratry.

That no Clerk, Religious or Secular, paſs out of the Realm, except he made Faith that he ſhall do no Barratry, and have Licence of the Lord Chancelour, or his Ordinary, and he that does in the contrary, or makes Barratry, that he be lyable to the Statute againſt havers of Money, out of the Realm, *Jam. 1, par. 7, cap. 107. See Benefice.*

That none ſute or deſire Title, or Right of the Pope, or his Sect, to any thing in the Realm, under the pain of Barratry, That is Ban-
niſhment,

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ishment, and Infamy, and that no Bishop or Prelate, use any Jurisdiction by the Popes Authority under the said pain, and Barratry may be tried before the Justices or Lords of Session. *Jam. 6, par, 1. cap, 2.*

To Traffique Abroad against the True Religion, incurre the pains of Barratry, *See James 6, par, 6, cap, 71, in Religion.*

Barons.

Ratification of all Priviledges granted to Noblemen and Barons, *Jam. 6, par, 1, cap. 25.*

Barony.

Annexation of Lands to Baronies, exempts them not from the Sheriff Courts, and Justice Airts, where they lye, but only obliges them to Presence, and Service in the place whereunto they are Annexed, *Jam, 4, par, 6, cap. 93.*

Magistrats of Burghs of Barony, may Arrest none for Debt, but their own Burgessees, *Cha. 2, par, 2, Sef, 3, cap, 8.*

The Liberty and Priviledges of Burghs Royal, as to Trade, *See Burghs, and Cha, 2, par, 2, Sef, 3, cap, 8.*

Beef.

Act for encouraging the Exportation of Beef and Pork, that they be made and packed with Forreign Salt, and in at least Eight Gallon Trees, containing Two hundred pound weight well pured Beef or Pork: See the Act, And Twenty Shillings Scots of reward allowed for each Barrel Exported, *2. Ann, Par, 1, Sef, 3, cap. 5, Anno 1705.*

Bees, see Hyves.

Beggers.

That no Begger betwixt Fourteen and Seventy Years be thoiled to beg, unless they have a Token that they cannot win their own living, in Landward, of the Sheriff and in Burghs, of the Bailies, otherways to be burnt in the Cheek, and Banished. *Jam. 1. par. 1, cap. 25, Ratified Jam. 4, par. 6, cap. 70. Item, That the Magistrates and Sheriffs negligent, pay Fifty Shillings to the King. Jam. 1, par, 2, cap, 42.*

That no Begger born in one Parish, be thoiled to Beg in another, and that Tokens be made by the Heads-Men of Ilk Parish for that effect. *Jam, 5, par, 4, cap, 22.*

That in Burrows the Chamberlain in his Air, shall ilk year inquire, if the Alder-Men and Baillies have kept the Statutes of Beggers, and the Breakers to be punished in 40 Shillings to the King, *Jam. 1, par. 7, cap, 104.*

Ratification of the Acts anent Beggers, containing particular Or-

Orders for Repressing idle Vagabounds, and Relieving such as are truly Unable and Poor. *Ja. 6, par, 6, cap, 74. See Poor.*

And this again Ratified with a Commission to Justices in that part, for Execution of it, in case the Judges Ordinary be Remiss, or Negligent. *Jam. 6, par 12, cap, 147.*

The Act against Strang Beggars, Vagabounds and Egyptians, again Ratified, and they and their Bairns, be imployed in common Works and their Service mentioned in the Act. *Ja. 6, par. 6, cap, 74.* It is Prerogat during Life, and the power of Executing the said Act, granted to Kirk Sessions. *Jam. 6, par. 15, cap, 268.*

Item, All these Acts Ratified, and that the Kirk Session be assisted by one or two of the Presbytry, and that both they, and the Sessions, put the saids Acts in Execution, under the pain of Twenty Pounds. *Jam, 6, par, 16, cap, 19.* The Acts *Ja, 6, par, 6, cap, 74,* and *par 15, cap, 268,* specially Ratified *Cha. 2, par. 1, Sess. 3, cap, 16.*

Act Establishing Correction Houses in the Burghs therein named, for idle Beggars and Vagabounds. *Cha, 2, par, 2, Sess, 3, cap, 18. See Poor.*

Drinking Beir.

Twenty Shillings of Custom imposed on every Tun of Drinking Beir brought into the Realm. *Jam. 6, par, 13, cap, 179.*

Benefice, and Beneficed Persons see Dilapidation.

That Benefices purchassed at Rome by such that were never thereat before, be of none avail: and that no Benefices be unite to Bishopriks, Abbacies, or Priories, And that such Unions be null and the Purchassers punished as Traitors. Except that Lords and Barons. may purchase the Annexation of any Benefice, to Secular Colleges: *Item*, That there be no higher Taxation of Benefices, but as the old use and custom was, and as is contained in the old Taxation of Bagimont. *Jam. 3, par, 6, cap, 44.* And this last part anent the Taxation of Benefices Ratified. And that the Attempter in the contrary, of a Spiritual Person be unable to bruike Benefice, and if Temporal Time Life and Goods. *Jam. 4, par, 4, cap, 39.* *Item*, That none support, or supply with Money, the saids unlawful purchassers of Benefices. *Ja, 3, par, 11, cap, 86,* The Act is contrary the Purchassers of Benefices against the Kings Priviledge.

That no Clerk purchase Benefice belonging to the Kings Presentation, the Seige vaiking at Rome, under the pain of Proscription and Treason. *Ja, 4, par, 1, cap, 4.*

That Prelacies, Abbacies, and other Benefices, remain and be Disposed within the Realm, as in King Jame's the first time, under the pain of Proscription against such as do in the contrary,

James

Jam. 4, Par. 4, cap. 38. Item, that dittay be taken on the breakers of the saids Acts, Jam. 5, Par. 7, cap. 119, See the Acts against Clerks, or Spiritual Men their passing forth of the Realm, in passing forth of the Realm.

That all Gifts of Benefices Elective, or Pensions Disposed by the Queen, since the Parliament 1560, To the Kings Coronation, be as valid, as if granted by the Popes Bulls, but prejudice of the Act of Council, anent the leaving to Ministers, all Benefices within Three Hundreth Marks yearly, and of laik Patronages, *Jam. 6. Par. 1, cap. 20, And the Commissars are ordained to Minister Justice on the saids Gifts; And sicklike on Gifts to be granted by his Majesty in time coming. Ibid. Cap. 28.*

That all Prelates, and Possessours of Benefices at his Highness Gift, give up just Inventory of the two part thereof, conform to the first Assumption of thirds, otherwayes their Benefices to vaik, *Ja. 6, Par. 15, Cap. 244. See Thirds of Benefices.*

No Beneficed Person under a Prelat, may set longer Tack of Teinds or others belonging to his Benefice, then for Three Years, without the consent of the Patron, *Ja. 6. Par. 14, cap. 200. See Patron.*

That no Prelats set in Tack, any part of their Patrimony, for longer space than Nineteen Years, and no Inferiour Beneficed Person, for longer then their own Lifetime, and Five Years thereafter, under the pain of Deposition, and that all Tacks otherways set, for discovery thereof, be Registrat within 40 Days, else are Null; Excepting from this Act, all Tacks, by vertue of the Commission for Plantation of Kirks, granted in this Parliament, *Jam. 6. Par. 22, cap. 4. As also it is declared, That the Inferior Beneficed Persons must have the consent of the Patron to his Tacks, conform to the said Act, Jam. 6. Par. 14, cap. 200. Jam. 6, Par. 23, cap. 15.*

Bestial, or Cattel.

That no Cattel be sold out of the Realm, *Jam. 3, Par. 4, cap. 25. See England.*

That Slayers or Houchers of Oxen, or other Cattel be punished as Theives. *Jam. 6. Par. 7, cap. 110.*

See the Act in Horse, and how it is Limited and Extended. *Jam. 6. Par. 11, cap. 82.*

Act Ratifying all Acts made against the Transporting of Sheep, Nolt, or other Cattel, young or old forth of the Realm, Impowering any that finds them driving to slay them, and keep the Drivers of those to an Assise, before the Justice or Sheriff of the Bounds, where they shall be apprehended, whom His Majesty makes Justices in that part, for trying and hanging of the Offenders, and escheating their Moveables, half to the King. and the other half betwixt the Judge and the Apprehender. *Jam. 6. Par. 7. cap. 124. Item, Sheep and Nolt forbidden to be transported to England, or sold to English-men who transport the same, under the pain of Escheat thereof, and of the whole other Moveables of the actual Transporters: And also of the Causers and Sellers thereof to be*

Transported, half to the King, and half to the Apprehender, and Wairding for six Moneths, and otherways at the Kings Will, Annulling all Licences granted, or to be granted in the contrair, *Jam. 6. Par. 12, cap. 149.*

Bestial, That is, Nolt, Sheep, or Swine, may be exported by Sea, free of Custom or Bullion for 19 years, *Cha. 2. Par. 1. Sess. 3, cap. 12. Anno 1663.* The Act is, for encouragement of Tillage and Pasturage.

Bible.

That all House-holders have Bibles, and Psalm-Books, *Jam. 6. Par. 6, cap. 72.* See it in *House-holders.*

Birn, *see Skin and Birn.*

Bishops, *see Benefice, Dilapidation, and Prelacy.*

Bishops, Abbots, and Priors set down in order before Earls, Barons, in the Latine Titles of the Sixth, Seventh and Eight Parliaments *Jam. 1,* and before Dukes and Earls, *Jam. 1, Par. 7, Cap. 101.* And *Prelati* before *Barones Proceres*, *Jam. 5, Par. 1,* In the Latine Title, That Bishops inquire of Herely, *Jam. 1, Par. 2, cap. 28.* That no Bishop nor Prelate use any Jurisdiction by the Popes Authority, under the pain of Banishment, and Infamy, *Ja. 6, Par. 1, Cap. 2.*

That all Bishopricks be disposed by His Majesty, to actual Preachers and Ministers in the Kirk, *Ja. 6, Par. 15, cap. 231.* The Act is, all Ministers provided to Prelacies, should have Vote in Parliament.

The Estate of Bishops restored to their Honours, Priviledges, Livings and Rents, as the samen was in the reformed Kirk, most amply before the Act of Annexation 1587, and this Act of Annexation, and all other Acts prejudicial to the said Estate rescinded; providing nevertheless that the Bishops entertain their Ministers upon the thirds: And but prejudice to their Fewers and Tacks-men, they entering by the Bishops, and paying the Composition appointed in the Act. As also excepting Fewes lawfully set and confirmed before the said Act of Annexation: And all Dispositions of Patronages disposed by the Titulars, and His Majesty, providing they be Ratified in Parliament: And all common Kirks pertaining of old, to Bishops and their Chapters in common, disposed by His Majesty before the date hereof: As also, excepting the Castle of *St. Andrews* and Yeard thereof, to the Earl of *Dumbar*, and the Lands of *Monnimail* and *Lethem*, with the Mannor place and Patronage of the Kirk of *Monnimail* to Sir *Robert Melvil*: There is also an exception from the foresaid Composition appointed to be payed by Fewers in Favours of the Fewers of the Arch-Bishoprick of *Glasgow*, *Ja. 6. Par. 18, cap. 2.* Act giving liberty to the Bishops to set Tacks long, or short, as they

they please without restraint: Only it is recommended that the duty be competent; and the duty of the said Tack, is ordained to be the Rental, not to be diminished: And the Bishops are ordained to give in sufficient Rentals of their Benefices, within a year after the date of the Act, to the Clerk-Register, under the pain of a Thousand Merks: Which Rentals are to remain in their Integrity in all time coming; that the Ministers may be the more assured, of their Stipends, to be appointed forth thereof: And the Act annuls all Acts and Laws made, or to be made, whereby any Beneficed person is, or may be lyable to set Tacks of Teinds that may subsist in Law. *Ibid. cap. 3.* But Bishops and all other Beneficed Persons are again limited in their Tacks, to a certain number of years, *Jam. 6, Par. 23. Cap. 15.* See the Act in *Benefice*.

A Bishop refusing a Testimonial to a Pedagogue, in the case in the Act, may be called before the Council; and if he satisfy not the Council, they may give one, *Jam. 6, Par. 20, cap. 1.*

The Commissariots restored to Bishops, with Power to them to appoint Commissaries, and creat Clerks, and all other Members of Court and the Quotes of Testaments are ordered to be payed to the Bishops, and Letters to be direct on their Commissaries Sentences: As also to charge persons to confirm Testaments, as formerly: And all former Commissaries are discharged without prejudice to the Earl of *Argyle* of his Heretable Right of the Commissariot within *Argyle*, *Ja. 6. Par. 20, cap. 6.*

The Bishops have right to moderat in their diocesian Synods, either by themselves, or by a Minister of the Bounds appointed by them. That no Sentence of Excommunication or Absolution be pronounced, but by their direction to the Minister of the Paroch where the Offender dwells, That all presentations be directed to the Bishop of the Diocess, to whom also the *jus devolutum* in case of the Patrons neglect, is declared to belong: And in case the Bishop refuse to admit the Minister presented, the Patron retains the fruit of the Benefice, and either he or the Paroch may complain to the Arch-Bishop; And if he also refuse, the complaint lyes to the Council, who finding the Bishops reasons insufficient, may direct Letters of Horning, charging him to do his duty: *Item*, If the Bishop by Oath of Party, or otherways find, that the Minister hath made a simoniacal paction with the Patron, to the hurt of the Benefice, he may refuse him: (See *Simony*) The Bishop associating to himself the Ministry of the Bounds, hath power upon tryal, to Depose, or Suspend Ministers, That the Bishop by himself, or a worthy Minister of his Diocess, make his Visitations. And lastly, That the Meetings of the Ministers for exercise, be moderated by the Bishops, or such as they appoint, which Articles being concluded upon at the Assembly at *Glasgow*, Anno 1610, are all Ratified, and ordained to be observed as inviolable Laws. And the Act *Jam. 6, Par. 12. cap. 114.* (see it in *Kirk*) and all other Laws and Customs, in so far as they are contrary to the Premisses are Rescinded, *Jam. 6, Par. 21, cap. 1.*

That Bishops be Elested in this Order, upon the Vacancy, His Majesties Licence is to be expedie, and then an Edict to be affixed

on the most Patent Door of the Cathedral, charging the Dean and Chapter, to convene for Electing, who, so many as shall be convened, shall chuse the Person named by the King (he being an Actual Minister, and no otherwayes.) And this being testified under their Seals, His Majesties assent under the great Seal, shall be a sufficient Title to the Spirituality, during the Elected his Life : And thereupon, and on his Highness Mandat direct to a competent number of Bishops within the Province, the Person Elected shall be Consecrat, and then he shall have His Majesties grant of the Temporality under the great Seal, for which he shall first do Homage, and Swear the Oath of Allegiance and Fidelity, before he intromet, And the Lords of the Session are not to authorise any Bishops Provision, unless he be thus entered. *Ja. 6. Par. 21, cap. 1. Act allowing Bishops and Members of Chapters to let Lands holden of them, by service of Waird and Relief, in Few-term for a competent duty, answerable to the retoured duty of the Lands, if retoured, or if not, of Lands of the like value in the Countrey, and doubling the same at the entry of the Air ; And this Act ordained to be in force for three years Ja. 6, Par: 23, cap. 9, Anno 1621.*

His Majesty and the Estates of Parliament finding Episcopal Government to be the most agreeable to the Word of GOD, effectual for preserving of Truth and Unity, and suitable to Monarchy, and the publick Peace, Redintegrat the state of Bishops to their Ancient Rights and Places, and restore them to the Exercise of their Function in the Church, Power of Ordination, Censures and Discipline, to be performed by them, with advice of such of the Clergy as they shall think fit: Ratifying all Acts formerly made in their favours, and all Acts in the contrary, And for Presbyterian Government, specially the Act *Ja. 6, par. 12, cap, 114* are rescinded. *Item*, they are restored to their Commissariots and Quotes according to the Act, *Ja, 6, par, 20, cap, 6*. But prejudice to the present Commissars and their Clerks and Fiscals, of their places. *Item*, All Gifts and Deeds past by whatsoever Authority to their prejudice, since the year 1637 are made void, and they are repossessed for the year 1661; as they possessed in the year 1637. But all entries of Vassals, Retours, Signators, Infeftments, granted by the King, or any having Right from him, or the Authority for the time, of Lands and others holden of the Bishops in the time of their Interruption, are declared not to be prejudged, providing this be not extended to any new Gift, or Original Right, otherways granted than preceeding the year 1638. It being his Majesties Intention, that the Bishops should be in the same case and condition as in the year 1637: But the Bishops, or their Heirs or Executors, are declared to have no Right to the Rents betwixt the year 1638 and 1661 in prejudice of such who had Right for the time: And also those that have made payment of bygone Rents of the said Bishopricks, are secured thereanent. *Char. 2, par. 1, Sess, 2, cap, 1, Ratified. Ibid. Sess. 3, cap, 2. The Act is' against separation, and disobedience to Ecclesiastical Authority: But rescinded W. and M. Par, 1, Sess. 2, cap, 5 and 27.*

Act anent Suspension of Bishops Rents. See in Suspensions.

Blackmaill.

Blackmaill.

That none take, or sit under the assurance of Theives, or pay them Blackmaill, under the pain of Death, and Escheat of their Moveables. *Ja, 6, par, 1, cap. 21.*

That Dittay be taken up of both Takers and Payers of Blackmaill, and Justice done on them, according to Law, and severity taken of them to abstain in time coming. *Jam. 6, Par, 11, Cap, 102.*

Blanch Holding.

That the Kings Vassals holding Blanch, be only lyable in their Blanch Duties, if the same be required allenarly, and no way be charged with Sums of Money as the prices thereof. *Jam, 6 par, 18, cap, 14.*

Blasphemy.

That whosoever not being distracted in his wits, shall rail upon or curse GOD, or any of the persons of the Blessed Trinity, and obstinately continue therein, be proccessed before the Cheif Justice, and being found guilty, punished with Death: And this Act is drawn back to the 17 of February 1649: *Cha, 2, par, 1, cap, 21.*

This Act Ratified, And farther; Whosoever, in discourse, or writing, shall deny, impugn, or quarrel, argue, or reason, against the Being of GOD, or any of the persons of the Blessed Trinity, or the Authority of the Scriptures, or the Providence of God, are to be punished gradually, and for the third fault, by Death, By the Lords of Justiciary, As in the Act: *W. and M. par, 1, Sess, 5, cha, 11.*

Boll. See Metts, and Measures. Books.

Act discharging the Custom of Books, marked amongst the unprinted Acts. *Cha, 2, par, 2, Sess, 1.* Books Erroneous forbidden, *See Religion.*

Borders. See England and Highlands.

Act anent the Border Rivers of *Annand* and *Tweed*: *See Salmon.*

Act discharging all Decrets of Ejection and Removing obtained in the Borders Twenty years before King *James* his succeeding to the Crown of *England*, Except allenarly as to the obtaining of Possession

ffion, and the ordinary profits, since the Kings going to *England*. And it is provided, that upon Charges given, after the date of this Act, the samen be obeyed, otherways the person denounced for his Disobedience, to amit the benefite thereof: *Jam, 6, par, 18, Cap, 9.*

Act against reset of Fugitives, from the Borders to the In-Countries, and that none born or long habituat in the Borders, be reset in the In-Country, without a Testimonial of the great Commissioner of the Borders, and that none forge, or use a false Testimonial, under the pain of Death: *Jam, 6, par. 20, cap, 10.*

The Borderers especially within *Berwick, Roxburgh, and Drumfries* Shires, and Stewartry of *Annandale*, are discharged of all Actions (Decrees already obtained being still excepted) of Spulzie, or wrongous Intromission, for any thing done, before King *James* his succeeding to the Crown of *England*: And also of all Criminal Pursuits intended, and to be intended, for whatsoever Crime importing Life, committed before the said time. Without prejudice nevertheless to the Kings Advocate, Justice, and Commissioners, to pursue the same as accords: *Jam, 6, par, 21, cap, 6.*

Borgh.

The form of finding a Borgh in Court: *Jam, 1, par, 9, cap. 115*: And he who recounters a Borgh, and absents thereafter, fines the Actions. *Ibid. cap, 118.*

Borrows, *see* Law-Borrows,
Bounds, and Marches. *See*
Infestment.

Brandy.

Act allowing Brandy to be imported and that it be lyable to 80 pounds per Tun of Custom, and six pence per pint of Excise, to be payed by the Retailer; And this Excise to be applyed for the Relief of the Annuity of Excise in Shires or Burghs where Brandy is retailed. *Cba, 2, par, 2, Sess, 4, cap, 2.*

Bread.

The Privy Council should set down the price of Bread, according as the Wheat rules: *Char, 2, par, 2, Sess, 1, cap, 15.* The Act is, for regulating the prices of Ale, &c. Act ordaining Bread and Butchering to be sold by weight. *Car, 2, Par, 3, cap, 24.*

Breadth.

Of what Breadth Droggats, Linnen, and Stuffs should be. *Char, 2, par, 3. cap, 12.* The Act is for Encouraging Trade and Manufactories.

Breive.

Brieve.

That no exception avail against the Kings Brieves holding the old Form, and unrased, or blobed in the name and Sur-name of the Follower, and Defender, The name of the Land, cause, and date. *Jam. 1, Par, 9, cap, 114.*

The old Form of serving the Brieve of seasing, and of breaking of seasing. *Ibid. cap, 127.*

Order anent Brieves pleadable, according to the old Form of Process. *Ja. 3, par, 6, cap, 41.*

That Exceptions be not proponed against the Brieve of Inquest, as against a Brieve of Plea, but only exceptions against the Judge, Inquest, and that of Bastardy. *Item*, Persons present, may be compelled without Summonds to pass upon the Inquest. *Item*, The Brieve should be cryed openly in plain Mercat, or on an oulk day, sua that the Officiars of the Town and six more be present. *Jam, 4, par. 6, cap, 54.*

That Brieves, for serving to Lands, within the Stewartries of *Stratherne*, and *Monteith*, be proclaimed at *Perth*, for Lands within the Stewartry of *Fife*, at *Cowper*; within the Bailliaries of *Kyle*, *Carrick*, and *Cunninghame*, at *Air*; within the Stewartries of *Kirkcudbright* and *Annandale*, at *Drumfrees*, But that they be always served within the Tolbooth of the head Burgh of the Shire, Stewartry or Bailliary as of before. *Ja. 6. par. 11. Cap. 60.*

Brewers, *see* Maltmen.

Bridges, *see* Wayes.

The Council may lay on moderat Customs at Bridges, for upholding thereof. *Car. 2, par, 2, Sess. 1, cap, 16.* *See the Act in Wayes.*

Broom, *see* Planting.

Buchanan.

That *Buchanans* Chronicles, and *de Jure Regni apud Scotos*, be brought in by the havers to the Secretary, within 20 days after the publication of this Act, under the pain of 200 Pounds, to the effect, they may be purged of certain offensive, and extraordinary matters therein contained. *Ja. 6, par. 8. cap. 134.* This Act is, anent Slanderers of the King, his Progenitors, &c.

Buirding.

That every Prelat, Lord, and Landed Gentleman make his ordinary dwelling at his own House, with his Family; And that they forbear to Buird themselves in Burrows, Ale-Houses, or their own

own Houses, under the pain of 500 Merks, the Lord or Prelat: 300 Merks, the great Baron: and 200 Merks ilk other Landed Gentleman, for the Kings use, *Ja. 6, Par. 7. cap. 116.*

Bullion, *see* Cunzie or Coyn-nage.

That soveryty be found to the Customers of the Ports for Goods Exported; to bring Home the Quantities of Bullion mentioned in the Act. *Jam. 1, Par. 13, cap. 143.*

The quantities of Bullion again appointed, and that the Customers make compt thereof yearly in Exchequer. *Jam. 3, Par. 7, cap. 51.* And this Acts Ratified: And that the Merchant have Twelve Shillings for ilk a Ounce of burnt Bullion from the Cunzier and that of ilk Ounce be made Twelve Groats. *Ja. 3, Par. 8, cap. 65.* And *Jam. 6, Par. 7, cap. 107.* That there be brought Home for Bullion Four Ounces of burnt Silver of ilk Serplaith, or Eighty Stone of Wool, or Last of Salmond; And that the Merchant have Ten of the Fourteen Penny Groats for ilk Ounce, *Jam. 3, Par. 13, cap. 93.* The same Ratified, and that Compt be made of the Bullion yearly in Exchequer, *Ja. 4, Par. 1, cap. 2,* and *par. 2, cap. 14,* And that the Cunzier give for the Ounce of burnt Silver Eleven shillings six pennies, *Ibid. cap. 17.*

Act Ratifying the Acts about Bullion, That soveryty be found for bringing it Home equivalent to the Goods Transported, That it be Compted for yearly in Exchequer, and defalcation given to the Merchant, If any loss of Goods happens him, And that for every Ounce of utter fine Silver, the Cunzier pay to the Merchant Fourty Shillings and Compt for the Profit to the King, *Ja. 6, Par. 7, cap. 107.*

Ratification of all Acts anent the Home-bringing of Bullion. And that the Thesaurer, and his Deputes Compt therefore yearly in Exchequer, *Jam. 6, Par. 14, cap. 203.*

That for the Ounce of Bullion Twelve Deniers fine, which the Merchants are astricted to bring Home, They have an Ounce of his Highness own Coin of Eleven Deniers; And of all other Bullion that they shall voluntarily bring in, the Thirtieth penny only to be retained to His Majesties Profite, *Ja. 6, par. 15, cap. 249.*

That all Forreign Cunzie be made use of only for Bullion, and that the Officers of the Mint make a Table of the Prices thereof. *Ibid.*

Commission given to the Lords of Council for taking order anent the Home-brining of Bullion, and discharging the transport of Gold, Silver, and forbidden Goods, under such pains Corporal and pecunial, as they shall think fit, *Ja. 6, par. 16, cap. 9.*

That all Commodities Lyable in payment of Bullion, pay according to the Alphabet set down in the Act. That Customers with the concurrence of the Clerks of the Cocquet, cause every Merchant native, or Forreigner, Exporter of the saids Commodities, find sicker Soveryty, or give Pledges, that the due Bullion be delivered to the Offi-

Officers of the Mint, and that of Forreign Bullion, either Plate or burnt Silver, Twelve Denier Fine, and being baser to be made up by weight, And that none of His Majesties, or His Predecessors Coyn, or any other satisfaction be received for the said Bullion, under the pain of Deprivation of the Customer, or Clerk of the Cocquet, and farther punishing in their Persons and Goods at the Privy Councils Discretion: And who shall discover such collusion, shall receive a third of the value of the Bullion, to have been payed by the Merchant, That the Customers be Comptrolled by the Receipts of the Officers of the Mint, and be answerable for the superplus: And that they give the Merchant convenient time, the longest not exceeding seven Moneths, for Home-bringing of the Bullion. And lastly, that the foresaid Alphabet be of force from the date of this Act; And all Commodities hereafter Exported lyable accordingly- without respect to any other made, or to be made in this Parliament, *Cha. 2. Par. 1. Sess. 1. cap. 37.*

But all Native Commodities and others Exported forth of the Kingdom, are Discharged of the payment of Bullion, and the same Imposed on Goods Imported, and at the Rates specified in the Act: Which Rates the Merchant is to pay to the Officers of the Mint, at the Importing of Twelve Shillings Scots for ilk Ounce, to the Collector of the Port; Redeemable alwayes within 40 Days upon payment of the Bullion. And for every Ounce of Bullion Twelve penny Fine, the Merchant is to get back Three Pound Ten pennies Scots, and of Eleven penny Fine, Fifty Five Shillings Nine Pennies, and so forth, And all Customers *virtute Officii*, are declared countable to the Officers of the Mint, for the said Bullion or Prices thereof, and are bound to give in Accompts of the whole foresaids Commodities Imported, and that upon Oath yearly to the Exchequer, and to produce the Merchants Subscribed Entries; And the Officers of the Mint, are obliged to Import the Stock of Bullion themselves, for the saids Prices they shall Receive, and to Coin the same in His Majesties Coin. And no Act made or to be made in Favours of Manufactures or others, shall exeem the saids Goods Imported from the foresaid Bullion, *Cha. 2. Par. 2, Sess. 1. cap. 8.*

This Act Annulled and Altered, and for supporting the Charges of a free Coinage, and paying the Officers of the Mint, the Parliament gave to his Majesty, Twelve Shilling Scots for each Ounce of Bullion Imposed by the said Act, and this Imposition Annexed to the Crown, and appointed to be Collected, and kept separatly in manner set down in the Act, *Jam. 7, Par. 1, Sess. 2, cap. 24.*

Burghs, *see* Craft, Merchant and Trade.

That in all Burghs there be Eight, or Twelve Persons, after the quantity of the Town, chosen of Secret Council, and Sworn there-to, to decide matters of Wrong or Unlaw to the avail of Five or Eight Pounds, within Eight Days warning, *Ja. 2. Par. 11. cap.*

That no Man in Burgh be found in Man-Rent, nor Ride in Rowte, in Feir of Weir, with any but the King and his Officers, or the Lord of the Burgh, and that they Purchase no Lordship in Oppression of their Neighbours, under pain of Confiscation, and their Lives to be in the Kings Will, *Jam. 2. Par. 14, cap. 77, Jam. 4. Par. 3, cap. 34, and Jam. 5, Par. 4. cap. 28. See Leagues.*

That all Merchants be Free-men Indwellers in Burghs, *Jam. 3. Par. 2, cap. 11, See Merchants.*

That Officers in Burghs be not continued farther than 2 Year, that the Old Council first choise the New; And then both Old and New choise the Officers: And that ilk Craft have Vote in the Election of Officers, by one to be chosen by the Craft Yearly; And that no Captain nor Constable of any Castle, may bear Office in the Town, *Jam. 3, Par. 5, cap. 30.*

In all Burghs Four of the Old Council should be chosen Yearly to sit with the New, notwithstanding of the preceeding Acts, *Jam. 3, Par. 7. cap. 57.*

That the Election of Officers in Burghs be without Partiality, or Mastership, *Jam. 3, Par. 14, cap. 108.* That all Officers in Burgh, be changed Yearly, and that they be Persons using Merchandise within the Burgh, *Jam. 4, Par. 6, cap. 80.* Honest and Substantious Burgeses, Merchants and Indwellers thereof, under the pain of Tinsel of their Freedom, who does in the contrary. *Ja. 5. Par. 4. cap. 26.*

That none be capable of the Magistracy, or any other Office within Burgh, except Merchants and actual Traffiquers within the said Burgh allenary, and no others; And that the saids Magistrats and Commissioners of Burghs to Parliaments Wear such decent Apparel in all Solemn Occasions, as his Majesty shall prescribe, *Jam. 6, par. 20. cap. 8.*

That the Commissioners of Burrows Convene Yearly in *Inverkeithing*, the morn after St. James Day, to Treat about the Wellfare of Merchandise and their own common Profit, and the Burgh absent to pay Five Pounds to the cost of these present, and that Letters be direct thereupon. *Jam. 3, par. 14, cap. 111.*

That all Ships, Strangers and others, come to Free Burrows, and there make their Merchandise, and that Strangers buy no Fish, but Salted and Barrelled, and they make no Merchandise at the *Lewes*, and that no Subject take Ships to Fraught in Defraud of the King, under the pain of Tinsel of Life, and Guids, and Strangers Contraveining Tine Ship and Guids. *Ja. 4, par. 1, cap. 3.*

This Act Ratified, and farther, That none buy from the saids Strangers, but from Free-men, at the Ports of the saids Burrows, under the pain of Escheat of their Moveables. *Q. M. par. 6. cap. 59.* But this Act is called an Act anent Liberty of Merchants at the West-Sea, And these Acts again Ratified, and that Strangers neither buy, nor Sell, any Merchandise, but at Free-Burrows, and with Free-men. And that none conduct Fraught or Pilot any Strangers to the Isles, under the pain of Tinsel of Life, Lands, and Guids, *Ja. 6, par. 7. cap. 120.*

That

That Strangers Merchants, lodge in free Burrows or Principal Towns of the ports where they arrive, and that their Hosts give an account to the King of their Guids, inward, and outward, *Ja. 4, par, 4, cap, 41.*

That there be sicklike Proceſs for recovering of Annuals, at the fourth Court in the Burgh of *Perth*, and in other Burghs as in *Edinburgh*. *Ja. 4, Par, 2. cap, 20.* But this manner of Proceſs is in deſuetude.

That the common Guid of all Burrows, be ſpent for their common Profite, by the Advice of the Town-Council, and Deacons of Crafts, where they are, and that the Chamberlain enquire into this yearly. And that the Rents of Burrows be not ſet, but for three years allenarly, under pain of Nullity. *Jam. 4, par. 3, cap, 36.*

Ratification of the Priviledge of Burrows, and that none dwelling out of Burrows, uſe Merchandice, nor Tap, nor Sell, Wine, Wax, Silk, Spicery, Wadd, nor ſicklike Stuff, nor Seaple Guids, nor Pack nor Peil in *Leith*, or other places, outwith Burrows, under the pain of Eſcheat of the Guids. *Jam. 4, Par, cap. 84.*

That Commiſſars, or Headſ-men of Burrows be warned to the giving of Taxes, as an of the three Eſtates. *Ibid. Cap, 85.*

That no Neighbour in Burgh, Uſurp againſt the Officers thereof. *Ibid. cap, 87.* That none houſe Wool, Hides, nor Skins, in *Leith*, or other places outwith Burrows. *Ibid. cap, 88.*

That Magiſtrates or Burghs bring yearly to the Exchequer, their Compt Books of their Common-Guid, under the pain of Tinfel of their Freedom, and that Fifteen days of before, they warn all that pleaſes to come, and object againſt their Accompts. *Jam. 5 Par. 4, cap, 26.*

That no Earl, Lord, Baron, nor other moleſt Burrows, their Officers, or Merchants in uſing their Liberties, under the pain of Oppreſſion. *Ibid. cap. 27.*

That no Man Pack, nor Peill Wool, Skin, or Hide, or Loofe or Laid, outwith free Burghs, and Priviledge thereof. *Jam, 5, par, 7. cap, 107.* Item, That no Perſons Strangers, or Inhabitant within the Realm, Pack, or Peil any Hides, or Skins in the Iſles, outwith the Free-Burghs, under the pain of Tinfel of the ſaids Hides, or Skins, and the Sheriffs, and Over-Lords of the Land where the ſame is done, are ordained to put the Act in Execution. *Jam. 6, par, 23, cap, 12.*

He that Tines the Cauſe within Burgh, payes the Winners Expences. *Jam. 5, par, 7, cap, 110,* And alſo Twelve Pennies per pound to the poor. *Jam. 6, par, 6, cap, 91.*

That the Officers of Burghs, have the only power to puniſh Fore-Stallers within the ſame. *Jam. 5, par, 7, cap, 113.* renewed, but the power of accuſing (becauſe of the Negligence of Burrows) given alſo to the Theſaurer, or his Majeſties Advocat. *Jam. 6, par, 12, cap, 148.*

That Burrows have an univerſal Weight. *Jam. 5, par, 7, cap.*

30 The Management of the
That the Officers in Burghs search, and apprehend all Havers
of False Money, or Counterfeits of the Kings Irons, for Cunzy
Ibid. cap, 124.

That Magistrates of Burghs, cause Deacons, Crafts-men, and
Hostellers, Set and take reasonable Prices for their Work, and
Victuals, or else deprive them of their Office, and Priviledge
Q. M. Par, 5, cap, 23.

Ratification of the Priviledges of Burrows and Burgessees, and
that Letters be direct upon their Priviledges, and Act of Parlia-
ment made thereupon without calling any party. *Q. M. Par, 6,
cap, 49, par, 9, cap, 86, Jam. 6, par, 1, cap. 26, par, 5, cap,
64. par, 6, cap, 85, and Par. 19, cap, 5.*

That all Common high Gates, to and from Free-Burrows, and
to and from Dry-Burrows, from and to Sea-Ports, next adjacent,
be kept, and no stop made thereuntill, under the pain of Op-
pression. *Q. M. Par, 6, cap, 53.*

Ratified, and Ordaining such as shall stop or impede the same,
to be Charged summarly on six days, before the Lords of Session,
(as only Judges thereto appointed) to be Decerned to have done
wrong, and to desist, and find Caution for that effect, under such
pains as shall be modified, half to the King, half to the Party
Greived, and the Probation to be by famous Witnesses, and not
by Assise. *Jam. 6, par, 12, cap, 156.* Act in favours of Bur-
rows of the West, Dischargeing unwarrantable Exactions of Fi-
shers in Loch-Fine, and other Lochs of the Isles, they bringing
their Fishes within this Realm, for Serving the Country allenarly,
under the pain of Oppression. *Q. M. par, 6, cap, 54.* That
none make private Conventions, put on Armour, Display Ban-
ners, or sound Trumpet, or Talborn within Burgh without the
Queen and the Magistrates Licence, under the pain of Death. *Q.
M. Par, 9. cap. 83.* Ratified, and that none Convocat or Assem-
ble within Burgh, except they have Licence of the Magistrates,
and that they do nothing in their Meeting against the Acts of Parlia-
ment, and Quiet of the Burgh, otherways the saids Meetings, are
declared Seditious. *Item, All the Inhabitants are ordained to as-
sist the Magistrates, and their Officers, for Suppressing of Tu-
mults, under the pain to be punished by the Magistrates, and
Council of the Burgh, as Fosterers of the saids Tumults. Jam.
6, par, 18, cap, 17.*

That the Burrows may meet, four times in the year by a Com-
missioner for ilk Burgh, and two for *Edinburgh*, at what Burgh
they please, for matters concerning their State. *Jam. 6, par, 5,
cap, 64.* Ratified, and that the Burgh not keeping the Conventi-
on, when appointed by the most parr, or by the Burgh of *Edin-
burgh*, any Six, or Eight, of the rest, and warned by an Missive
of the Provost, and Baillies of the Burgh, where the Convention
is to hold, or otherways lawfully cited, be fined in Twenty pounds
toward the Charges of them that meet, and that on the Act of the
Convention, Letters of Horning and Poinding, be summarly di-
rect, at the instance of the Burgh of *Edinburgh* for payment of this
Fine. *Jam. 6, par, 7, cap, 119.*

That

That the Taxation of Burrows be not altered but stand as formerly, That is to say, that it be the fixt part allenarly of all General Taxations. *Jam 6. Par. 11. Cap. 111.*

That no free Burgh, Sell, or Annailzy their Freedom in haill, or in part, to any other Burgh or any otherways, without Licence of his Highness, and Three Estates of Parliament, under the pain of Tinsel of Freedom of the Burgh, either Buying or Selling, *Ibid. cap. 112.*

Act Ratifying all former Acts, and of new Statuting, that none Exercise Merchandise, not being free Burgeses, under the pain of Escheat of their haill Moveables, half to the King, and half to the Burgh; whose Commissioners shall apprehend the same: But prejudice of Landed Men, to have some Merchandise to their own use, and behoof, providing they Sell not the same again. *Jam. 6, Par. 12, cap. 152.*

That all Inhabitants in Burghs whether they be admitted Burgesses or not, Exerceing Traffique, or having Change within the same, bear their part of all Taxes, Stents, Watchings, Wairdings, and all Duties, and Services, touching the King, or Burgh, without respect to any Priviledge, granted, or to be granted; Except, that the King may exeem one of ilk Craft, for his own Service, and without prejudice to the Members of the Colledge of Justice. *Ibid. 153.*

That there be three Burghs bigged, one in *Kintyre*, another in *Lochaber*, a third in the *Lewes*; with all Priviledges of Burghs. *Ja. 6, Par. 15, cap. 236. See the Act in Highland.*

That there be no Exercise in Craft in the Suburbs of Burrows: But that the Magistrate and their Officers may intromet with and escheat all work wrought, or working there, to whomsoever the Materials may appertain. *Jam. 6. Par. 12, cap. 154.*

And thir two Acts Ratified, extending the former to Free and Un-free, having their Commodity within Burgh, having no other Dwelling and bearing no burden without the same. *Jam, 6, Par. 14, cap. 225.* But declared thus, that all residing within Burgh with their Families, who may spend a hundred Pounds a Year, or are Stented to be worth two Thousand Merks, be subject to be burdened with the rest of the Inhabitants; Exeeming and Excepting *ut supra.* *Jam. 6, Par. 15, Cap. 275.*

That all unfree persons, not actual Burgeses of the Royal Burrows where they dwell, and payes no Tax, and Stent, Desist and Cease, from using Merchandise, or any of the Liberties of the saids Burghs, under the pains statute against Un-free Traffiquers, and that Letters of Horning be thereon Direct, Charging the saids Un-free Men to find Caution to obey this Act, As also upon the Decreets of the Convention of Burrows, betwixt Burgh and Burgh, and Burgeses of free Burrows upon Ten Days. *Jam. 6. par. 19. cap. 6.*

That Letters of Horning on a simple Charge of Ten Days, be direct on all Decreets, and Act of Burrows *inter concives*, and others subject to their Jurisdiction, and the Officers Execution thereof given on Fifteen Days. *Jam. 6. Par. 13. cap. 177.*

That the common Guid of Burrows after the yearly Rouping, and Setting thereof, be yearly bestowed at the sight of the Magistrates, and Council, to the doing of the common Affairs thereof. *Ibid. cap. 181.*

That the Magistrates at the instance of the Heretor, take summar cognition upon the Citation of the Party, of the condition of Lands Liferented within Burgh, and ordain the Liferenter to repair them within a year, wherein if the Liferenter failzie, the Heretor may enter to the Possession, upon Security found to pay the conjunct Fier, the Mail the House may give the time of the Cognition, And this extended to all burnt and waste Lands. *Jam. 6. Par. 14. Cap. 226.*

That Burghs and their Stent-Masters, do only Stent Persons according to their Rents, and holding within Burgh, but not according to their Livings and Rents, lying outwith the same. *Jam. 6. Par. 15. cap. 276.*

Ratification of all Priviledges, and Acts in favours of Free Burrows, and Burgeses, and especially of the Acts. *Jam. 3. Par. 2. cap. 11. Jam. 4. Par. 6. cap. 84. Jam. 6, Par. 12. cap. 152 and Par. 19. cap. 6.* (all here above) Declaring the Liberties contained in these Acts to be only Proper and Competent to the Free Royal Burrows, that have Vote in Parliament, and bear burden with the rest. *Cha. 1. Par. 1. cha. 24.* But this Act corrected, and it is Ordained, that free Men of Royal Burghs, and none else may buy or Sell, in great, or whole Sale, Wine, Wax, Silks, Spiceries, and Wad, or other Materials for Dying, and that none may Import or Export the same, or Import any other Commodities, except as this Act allows, but prejudice to Noblemen, Prelats, Barons and Others, of their Priviledge of Importing for their own Use, But it is declared Leasom to any Subject, or any who shall buy from them, to export Corns of the Growth of the Kingdom, all manner of Cattell, Nolt, Sheep and Horse, Coal, Salt, and Wool, Skins, Hides, and all other Native Commodities: And Burghs of Regality, and Barony and their Burgeses, and Members of Socities, may Export all their own Manufactory, or such Guids as they shall buy in Fairs, and Mercats, and all these Exporters may Import for their Returns or Fraught and Hire of their Ship, Timber, Iron, Tar, Soap, Lint, Lint Seed, Hemp, Onions, and Necessaries for Tillage or Building, or the use of their own Manufactories, and also may Tax, and Retail all Commodities whatsoever. And if any Unfree Man shall be found to have any Guids to be bought or sold exported, or Imported, contrary to this Statute. If within Burgh Royal, Suburbs or Pendicles thereof, then the Guids may be summarly seised as Escheat, but if outwith, then they may only be Arrested, and pursued as Escheat, half to the King and half to the Burgh Apprehender, but they may not only in this last case be summarly seised by way of Fact, by any Burgh, or any for them, under the pain of a Riot, and all Acts and Ratifications contrary thereunto are Rescinded, and Letters of Horning are ordained to be Direct on this Act, at the Instance of Burghs Royal. *Cha. 2, Par. 2, Sess. 3, cap. 5.*

That

That where Houses are ruinous within Burgh by the space of three years, the Magistrates may warn these known, to have Interest therein of Property or Annualrent, Personally or at their Dwelling Houses, and them, and all Others, at the Paroch Kirk, and Mercat Cross, and in case of absence out of the Realm, at the Cross of *Edinburgh*, and Peer and Shoar of *Leith*, on Sixty Days, to repair them within Year and Day, otherways that they will cause the same to be valued and sold to others, paying or consigning the price who will repair them within the said space, or if none will Buy, then the Magistrates may buy and rebuild them, and this Right to be an unquestionable Security to the Builders. *Cha. 2. Par. 1. Sess. 3. Chap. 6. Ratified, W. Par. 1. Sess. 5. cap. 8.* That no Royal Burgh keep Mercats on *Munday* or *Saturday*. *Cha. 2. Par. 1. Sess. 3. cap. 19. See it in Mercats.* Burgeses and Indwellers in Burghs Royal, may only Arrest Strangers, living without the Burgh for Horse meat or Mans Meat, Abuilziments, or other Merchandise, due to themselves originally, without Bond or Security given therefore, otherways the Magistrates may be pursued for wrongous Imprisonment. *Car. 2. Par. 2. Sess. 3. cap. 8.*

The Importing of all Forreign Commodities for Merchandise, whether by Sea or Land, excepting of Cattel, Horse, Sheep, and other Bestial. As also the Exporting by Sea of all the Native Commodities of the Kingdom; Excepting Corns, Cattel, Horses, Sheep, Mettals, Minerals, Coals, Salt, Lime and Stone, doth only belong to Free Men, Inhabiting Royal Burrows, but it is free to all the Leidges to transport by Land forth of the Kingdom, all its Native Commodities. *Item*, All the Leidges may buy and sell all Native Commodities: And Likeways retail Forreign Commodities, if bought from a Free-Man of a Royal Burgh, bearing Scot and Lot therein; But prejudice to Noblemen and Barons, to Import, any Goods for their own use: As also to export of the Native Product, for importing the like returns. And the Act, *Cha. 2. Par. 2. Sess. 3. Cap. 3.* is abrogat, in so far as, it is herewith inconsistent. *W. and M. par. 1. Sess. 2. cap, 12.* And this Act summarly resumed and reenacted with an Extention, to such as shall get the Communication of Trade. *Sess. 7. cap, 19.*

Act and Commission for settleing the Communication of Trade, as in the Act. *Cap. 20. Ibid.*

Act declaring their Majesties will give Commission, one or more, for enquiring into the condition of the common Good and Revenues of all Royal Burrows, and how it hath been managed, and to call Malversers to Account. And it is statute, that every Royal Burgh shall betwixt and the first of *November* next 1693 bring in to the Lords of Thesaury and Exchequer an exact stated Accompt of their haill Common Good and Debts; And that for hereafter, they shall contract no Debt without a previous Act of Town Council in its fullest convention, containing the Causes, according to which the Contractors and Granters of the Band are to be Answerable, at the Instance of any Burgeses, that hath been in the Magistracy, but prejudice to the Creditors Security. *W. and M. Par. 1. Sess. 4. cap. 29.*

Burial.

Act restraining the Exorbitant Expences, and Numbers at Burials, and discharging absolutely Mourning Clocks, under the pain of an hundred Pounds, *Cha. 2, par, 3, cap, 14.*

That all be Buried in plain Scots Linnen, under the pain of 300 *lib.* The Nobleman, and 200 *lib.* each other person, halfto the discoverer, half to the Poor of the Parish, and the Minister is to keep a Register of Burials, within his Parish, and a Certificat upon Oath, to be reported to him, within Eight days of the manner of the Burying the Person deceased (Tennents and Cottars excepted) otherwise the Defuncts Goods, or his Parents, with whom he was *in familia* lyable for the said Fine, to be pursued by the Minister within Six Moneths, or otherwayes the Minister to make it good, that no Wooden Coffine exceed the price of 100 *Merks*, for Persons of the best Quality, and so proportionally for the meaner, under the pain of 200 *Merks*, *Ja. 7. Par. 1. Sess. 2. cap. 16.* And that this Scots Linnen be not in value above 20 *shillings Scots per Ell*, under the same pain; And a stricter method of Execution appointed, and the whole pains to the Poor, and that none make, or Sew any Dead-Linnen contrair to these Acts, under the pain of 40 *Merks toties quoties*, for the Poor. *W. and M. Par: 1. Sess: 5. Cap. 35.*

But these Acts Rescinded, and all Burieing in Linnen forbid, and that plain Woollen Cloath or Stuff be only made use of in Burieing, and that under the same Penalties and Rules contained in the said former Acts, *2. Ann, Par, 1, Sess. 4. cap. 14. anno 1707.*

Burnt Lands.

Rules anent the repairing of Burnt-Lands in Burgh, 1. That if the Annualrenter, bear his part of the Expence of repairing, proportionally to the Annualrent, and Rent, he have his whole Annual the next Term, after the repairing. 2. If the Annualrenter do not contribute to the bigging, he shall want the sixth part of his Ground-Annual, the fifth of his Few-Annual, and the sixth of his Top-Annual: Declaring, nevertheless the said defeasance redeemable by the Annualrenter, by payment to the owner of Ten Pounds, for ilk Merk given down. 3. If the Owner repair not within two Years, then the Annualrenter may pursue his Annual (abateing as above) as accords. 4. If the Annual ly upon the hail Tenement, and a part thereof be only burnt; And if the part that rests may pay the hail Annual, and twice as much to the owner, then the whole Annual shall be payed, but if not, the Deduction to be proportional, effeirand to the third penny. 5. If the Annual be redeemable, and the Annaller contribute as in the first Article, then a half more of the Sum in the reversion shall be eiked thereto. 6. If the Burnt-Land belong to a Chaplain, and he not able, and the Patron not willing to repair it, then the Chaplain may ser it in Few, without the Patrons consent (making alwayes the first offer to the Patron) for the true avail. 7. If the Land belong to a Liferenter, and Proprietar,

tar, then the Liferenter hath the preference, if pleased to Big ; And therefore shall the Proprietor, and the Land, both be bound to refound, after her decease, the third of the real Expence to her Executors or Assignes, the Land being alwayes bigged, as it was before ; otherwayes the Proprietar may Big, paying to the Liferenter the third of the free Mail it payed before the Burning. *2. M. Par. 4. Cap. 10.*

This order anent Burnt-Lands, betwixt the Owner and Annual-ler appointed to be observed, as to Lands in *Edinburgh*, and about it, belonging to the true Subjects, and burnt by the then Rebels. *Jam. 6, par. 4. cap. 58.*

Anent Liferenters repairing Burnt or Waste Lands in Burghs, *Jam. 6, Par. 14. cap. 226. See the Act in Burghs.*

Burfares.

What Benefices, Patrons may present, and Dispone to Burfares See it in *Patrons.*

Butchers.

That no Butcher be a Grasier, or hold, or possess any Grass more than an Acre, under the pain of an Hundred Pound for each Fault, and that they Forfeit the Nolt and Sheep on the Grass, half to the Queen, half to the Informer : As also, That they lose their Freedom in all Burghs : and Tacks made, or to be made to them of Parks, or Grass above an Acre, are declared void after *Whit-sunday 1704.* unless Tilled and Sown Yearly. *2. Ann, par. 1, cap. 7. anno 1703,*

C.

Calumny.

O Ath of Calumny. See *Actions.*

Cardes and Dice.

That none Play at Cardes or Dice, in any common House, Town, Hostellary, Cooks-house, under the pain of Forty Pounds, to be Exacted of the Keeper of the said House for the first, and loss of Liberty for the second Fault, and that there be no Playing in any private House, except where the Master playes ; And if more be win in Twenty Four Hours than an Hundred *Merks*, it shall be con- signed in the Kirk Thesaurers hand in *Edinburgh*, or in the Col- lector for the Poor his hands in the Country ; And Magistrates of Burghs and Sheriffs, and Justices of Peace in the Countrey, are im- powered to pursue for this superplus winning, or otherwayes are de-

declared lyable to the Informers for the double, whereof the half to himself, the other to the Poor, *Jam. 6, par, 23, cap. 14,*

Casnet.

The keeping of the Casnet committed to the Privy Council, *See Council.*

Castles.

That every Lord having Land, and Castles, and Mannours thereon, Beyond the Moneth, Big and Repair the same and Dwell therein by themselves, or their Friends, for gude Policy. *Jam. 1. par, 5. Cap. 82.*

That all havers of Castles, stuff and strength the same against the English. *Jam. 5, par. 11. Cap. 83.*

That he who has received since the King (King James the Sixth) His Coronation, or shall receive hereafter Money, Land, or other Goods, for rendering the Kings Castles and Strengths, with his Munition and Jewels therein, he be lyable to restore the same, as extorted, *Jam. 6. par, 7, Cap. 125.*

Particular Assignment of Money and Victual for the better keeping of the Castles of *Edinburgh, Stirline, Dumbartoun, and Blackness*, according to the possession had by the Keepers of the saids Castles for Five Years preceeding: And Declaring all Deeds in prejudice thereof Null. *Ja, 6, par, 9, cap, 8.*

Casualty.

The Kings Casualties should not be given away in great, as these of a whole Countrey, or the confirmation of the whole Fewes of a Prelacy, or of any special Crime. *Jam. 6, par. 11. cap. 69.*

Cattel, see Bestial.

Coupes.

Coupes, that is a Horse, Mare, Ox, or Cow, under the notion of *best aught*, taken by heads of Kin, Clanns, or others in *Galloway*, for Maintainance of the Givers, discharged, under the pain of Reiff. *Jam. 4, par. 2, cap. 18.* And that trial be taken of Coupes in *Carick*, *Ibid. cap, 19.*

Coupes universally discharged, under the pains foresaid. *Ja. 6. Par. 22, cap. 21.*

Causes, see Actions.

Cautionry.

That no Man binding for another, that is, having his relief, known or intimate to the Creditor continue longer bound than for Seven Years from the date, and then to be *eo ipso* free, providing that all legal Diligence done against him in that time shall stand good

god for what fell due in that time. *W. and M. Par. 1. Sess. 5. cap. 5.*

Chamberlain, of the Kings Property.

That Chamberlains and Receivers of the Kings Rents, find So-
verty in *Edinburgh*, to make Compt in the ordinary time in Exche-
quer, and payment Twentry days thereafter, *Ja. 6, Par. 11, cap. 65.* Ratified and Extended to all Chamberlains, and Fewers of His
Majesties Property, Customers, Baillies of Burrows, Sheriffs, and
other Intrometters with the Kings Duties and Casualties. *Jam. 6. Par. 14, cap. 230.*

And both thir Acts Ratified, *Cha. 2, Par. 1. Sess. 3, cap. 15.*

All Offices of Heretable Chamberlains of the Kings Property
declared null. *Jam. 6, Par. 15, cap. 238.*

Chamberlain of Scotland.

Chamberlain Heirs need not to be continued, but continue of
themselves, until dissolved by the Chamberlain, *Jam. 3, Par. 5. Cap. 39.*

That the Chamberlain inquire yearly, how the Common Good
of Burrows is spent. *Ja. 4, Par. 3, Cap. 36. See it in Burgh.*

Chancellor.

The Lord Chancellor for the time hath right to preside in Par-
liaments, and other publick Judicatories. *Cha. 2. Par. 1. Sess. 1. Cap. 1.*

Chancellary.

That the Form of the Chancellary in Brieves and other Letters,
be observed, without Innovation, or eiking new Terms, under the
pain of nullity, except the Brieve of Summonds of Error. *Ja. 4. par, 3. Cap. 24.*

Chapter.

That the Chapter of Bishopricks remain, according to their
Foundations: And the Act appoints a new Chapter for the Arch-
Bishop of St. *Andrews*, in place of the Priory, Reserving to the
Bishop his priviledge: That the common Seal to be made by him,
shall serve for the Chapters Consent, without their Subscriptions;
And the old common Seal to be sufficient in the interim. *Ja. 6, par. 18. Cap. 3.*

That the said Appointment of a Chapter for St. *Andrews* consist
of at least Seven, to be chosen by the Arch-Bishop, of these dwel-
ling, and having charge within his Diocess. And the reservation
above mentioned is renewed, *Jam. 6, par, 19. Cap. 8.*

That all Deans and other Members of Chapters of Cathedral
Kirks be restored to their Manfes, Gleibs and Patrimony, for which

and the same are dissolved from the Crown, without prejudice of Fews, Tacks and other Rights already lawfully made: As also of Patronages disposed by the King, with consent of the Titular to Laik Patrons, albeit not Ratified in Parliament: As also of the Erection of the Priory of St. *Andrews*, to the Duke of *Lennox*; And also to the Town of *Edinburgh* of the Rents, Teinds and Tene-ments disposed to them for their Hospitals, Colledge and Ministry; And also of all Teinds and others disposed to any of the Colledges of St. *Andrews*; As also reserving to the Marquis of *Hamilton*, the House and Place of *Hamilton*, with the Pertinents, In so far as they pertained to the Deanry of *Glasgow*, to be holden hereafter of His Majesty, with the whole other Restrictions in the Act restoring Bishops (See it in *Bishops*) in favours of Fewers Tacksmen and others. *Item*, As to the entering of Vassals, the direct Superior may do the same, without the consent of the Bishop, and Remanent Chapter. *Item*, Instead of the Prior and Priory of St. *Andrews* formerly Dean and Chapter of that See, a new Dean and Chapter are appointed as in the Act: And the Arch-Bishop is to be chosen by Eight Bishops and Five Ministers named in the Act, or the most part of them, the Bishop of *Dunkel* Conveener, and Vicar-Gener-ral: And three Bishops are added to the ordinary Chapter of *Glasgow* for Electing the Arch-Bishop thereof, and the Bishop of *Galloway* Conveener: without prejudice to the ordinary Chapters of their former Right and Power in all other things. *Jam. 6. par. 22. Anno 1617.* Ratified with this addition, that all Deeds done since, or to be done hereafter, suppressing any Member of a Cathedral Kirk, being in Office or Dignity, or dissolving any Land, Person-age Viccarage, or other living from the Dignity, without His Ma-jesties express warrand, and consent of Parliament, are and shall be null, without prejudice to the Marquis of *Hamilton* of his Right to the Parsonages of *Hamilton* and *Darlserf*: And of the Earl of *Marr*'s to the Patronage of *Carnwath*, and any other persons law-ful Right before the said Act of Parliament 1617. *Jam. 6. par. 23. Cap. 11.*

Charges super Inquirendis, or under the pain of Treason. See In-quirendis.

Charters.

Charters under the Great Seal, should have the Precept of Seasin ingrossed, and may be written Book-ways. *Cha. 2. Par. 2. Sess. 3. Cap. 7. See Precept of Seasin and Seal.*

Re-

Registration of Charters, *see*
Registration.

Chaud-mella, *see* Forethought
Fellony.

Citation, *see* Summonds.

Clann, *see* High-lands.

For Stouth or Reiff committed by any notorious Theives of the Clanns of Theives, any other of the Clann, their Servants, or Dependents may be seised, untill the Principals, or others of the Clann Cause the skaith be redressed, or at least find Soverty for that effect, in case it be found that the Offender was any way reser among the Clann, after the Deed done. *Jam. 6. Par. 7. Cap. 112.*

As also the Goods of any other of the Clann &c. may be seised, as said is, without any danger of Spuilzie or violent Profites, and the Sheriff or any other Ordinary Judges to Burgh or Land, or any other Person of Power present for the time, being desired, should concur and assist to the saids Seasure of Persons and Goods, under the pain of being Repute and lyable as Partakers. *Jam. 6. Par. 10. cap. 16.*

If Goods, taken by one Clann be Transported to an other, that the Chief of the Clann, where the Goods of his witting are received, be required to make Redress, and by refusing to be lyable: And Slaughter or Hurt done by the Owner, in pursuit of his Goods, is fully Indemnified. *Jam. 6, Par. 11. cap. 101.*

A strict Act against the *Clan-Greigour*, Ratifying all former Acts of Council against them, suppressing the Name, and obliging them after 16 Years of Age to make compearance yearly the 24 of July before the Council, to find Caution, or otherwayes if they be denounced for their Failzy, Declaring them to be Intercommuned, and that none resort or assist them; And the Act Constitutes several Justices in that part against them. *Cha. 1. Par. 1. cap. 30.*

And this Act Revived, notwithstanding it was Rescinded in the Year 1661, which Act Rescissory is here annulled. *W. and M. Par. 1, Sess. 4. cap. 39.*

Clergy, *see* Bishops and Ministers.

Clerk, or Clergy-Man.

That no Clerk nor Clergy-Man pass, nor send Procurators for him over Sea, without the Kings leave. *Jam. 1. Par. 1. cap. 13.*
That

That no Clerk Purchase any Pension out of any Benefice, or raise any Pension already granted, under all highest pains. *Ibid. cap. 14.*

That Clergy-Men be obliged to warrand their Fews and Tacks from their own Facts and Deeds allenarly. *Ja. 6. Par. 11. cap. 110. See Barratry, and Benefice, and Minister.*

Clerk of the Session, *see* Session and Register.

Sheriff-Clerk, *see* Sheriff.

Cloath.

That woollen Cloath be met by the Ridge, and not by the Selvedge. *Jam. 3. Par. 5. cap. 32.*

That no Man draw Cloath, under the pain of Tining the Cloath, and Freedom for year and Day: And that there be an able Man appointed for trying, and Sealing the Cloath and Colour. *Jam. 5. Par. 7. cap. 112.*

Coal-Heughs, Coalliers &c.
Coals.

That no Coals more than necessary provision be carryed forth of the Realm, under the pain of Confiscation of the Coals, the Vessel; and all the Goods therein belonging to the Owner of the Coals, *Q. M. Par. 9. cap. 84.*

Ratified, and the Revealer and Pursuer to have the Third of the Escheat. *Jam. 6. Par. 6. cap. 90.*

Willful Firing of Coal Heughs declared to be Treason. *Ja. 6. Par. 12. cap. 146.*

That no great Burn Coal be Transported under the pain of Confiscation thereof, and of the Vessel; and that the Magistrates of Burghs, and Customers and Searchers apprehend the Contraveeners, and Arrest the saids Vessels. *Jam. 6, Par. 15, cap. 253.*

That none Hire Coalliers, Coal-bearers, or Salters, without they have a Testimonial from their last Master, or an Attestation from a Judge of the cause of their away-coming; and who otherwise Hires or Intertains them, if challenged within a Year, shall deliver them back within Twenty four Hours, under the pain of an hundred Pounds, and the saids Coalliers, Coal-bearers and Salters, receiving Fore-wages, to be punished as Theives. *Item, Coal, and Salt-Masters may apprehend, and put to Labour all Vagabounds and sturdy Beggars. Jam. 6, Par. 18, cap. 11.*

This Act extended to Water-Men, Winds-Men and Gates-Men in Coal-Heughs. *Item, That no Coal-Master give any greater Fee to Coal-Hewers than Twenty Merks in Fee or Bounteth; And that the Coal-hewers, and other Work-men in Coal-Heughs and Salters*

Work

Work all the six days of the Week through the Year, Except the time of *Christmasts*, under the pain of Twenty Shillings *per diem*, besides their Matters prejudice, and Corporal Punishment. *Cha. 2. Par. 1. Sess. 1. cap. 56.*

Coal-Measure, *see* Measure. Cocquet.

That all Cocquets be special in the Quantity and Quality of the Goods, and the Owners Names; And that the Conservator admit of no other Cocquet, but Confiscat all Goods not therein Expreemed. *Ja. 6, Par. 15, cap. 255.*

That the Conservator Arrest all Ships wanting formal Cocquets. and escheat all the Goods therein to his Majesties Use. *Ibid. cap. 256.*

That Cocquets pass in the Names of the principal Owners of the Goods, and not in Poor Mens Names. *Jam. 6. Par. 18. cap. 6.* The Act is anent the Customs between *Scotland* and *England*.

That no greater Price be exacted for Entring Ships and Goods then Twenty three *Shillings* four *Pennies*; And for the Cocquet fourty *Shillings*: And that the Keeper of the Cocquet attend his Office, and exact no more, under the pain of Deprivation. *Cha. 2. Par. 1. Sess. 1. cap. 55.*

Colleges, *see* Schools and Universities.

College of Justice, *see* Session. Combat.

That none Fight any singular Combat, under the pain of Death, and Escheat of Moveables: And the Provoker to be punished by the more Ignominious Death. *Jam. 6. Par. 16. cap. 12.*

That no Principal or Second or other Person, give a Challenge to Fight and Combat or Accept the same, or any other engage therein, albeit no Fighting ensue, under the pain of Banishment and Escheat. *W. Par. 1. Sess. 6. cap. 35.*

Commends.

Commends bygone, and in time coming Discharged, under the pain of Tinfel or Temporality for the Purchasers time, and also under the pain of Rebellion, Except that the Ordinary may Commend for six Moneths. *Jam. 3, Pa. 1. cap. 3.*

Commiffars.

The Commiffars Judges competent to Actions of Benefices. *Jam. 6, Par. 1, cap. 28.* The

The Commissars of *Edinburgh* appointed two of them to be nominat by the Arch Bishop of *St. Andrews*, and the other Two by the Arch Bishop of *Glasgow*, with sole power to decide in all causes of Divorcement, and to reduce all other Commissars Decrees in *prima instantia*, with Subordination nevertheless to the Lords of Session. *Jam. 6, par. 20, cap. 6.*

That Commissars keep Circuits in Spring and Harvest Vacance, for confirming Testaments in places convenient in each Presbytry, and there to cite Parties personally. or at their Dwelling Houses and Kirk-doors on Sabbath after Service. *Cha. 2, par. 2, Sess. 1, cap. 19.*

Commission.

That no Commission be given for serving of Brieves, or comprying of Lands but to the Judge Ordinary, unless he be called to the giving thereof. *Jam. 5. Par. 6. cap. 80.*

The King may give Commission to try Fornicators. *Jam. 6. Par. 1. cap. 13.* As also to try such as shoot at Doe and Rae, Cunney, Hare, Dove, &c. *Ibid. cap. 16.* As also to try Slay-ers of Black-Fish and Smolts, and Cutters of green Wood. *Ibid. cap. 30.*

As also to certain persons in each Paroch for Executing the Act for observat of the Sabbath. *Jam. Par. 5, cap. 70.* At the end thereof, and the Act about Beggars. *Jam. 6, Par. 6, cap. 74.* And the Act for punishing the Observers of Superstitious Rites. *Jam. 6, par. 7, cap. 104.*

All special Commissions of Justiciary should be made by Signatures, and pass the Quarter Seal, that the Respondees be made thereon; And the Obtainer should find Soverty at the Chancellary to Report his Diligence within Forty Days, under the pain of forty Pounds: And that no Commission be granted on Slaughter, but the Chief Justice and his Depute to proceed thereupon. *Jam. 6, Par. 11, cap. 76.*

Act Discharging all Commissions of Justiciary granted of before, and that none be granted hereafter Generally, or longer than for the Errand in hand, and upon Caution to produce the Process, and pay the Issues to the King as effects. *Jam. 6. Par. 12. cap. 126.* The Act is the Names of Rebels should be delivered in to the Thesaurer, &c.

That Commissions for Executing of Penal Statutes be only granted to Honest Men of Good Quality, sufficiently Authorized by the Lords of Secret Council for that effect. *Jam. 6. Par. 23. cap. 23.* The Act is a General Pardon for Deeds done against Penal Statutes, &c.

His Majesty may Nominat Sheriff Deputes, Justices of Peace, or other Commissioners for Executing the Laws against Field Conventicles, Irregular Marriages and Invading of Ministers. *Cha. 2. Par. 3. cap. 4.* The Act is, for securing the Peace of the Country.

His Majesty may by Himself, or any Commissionat by him, take Cognition and Decision of any Case or Cause he pleases. *Ibid. cap. 18.* See the Act in King. Con-

Commissioners to Parliaments,
and Conventions. *See* Par-
liaments.

Communion *or the* Lords Sup-
per.

That the Parsons of all Paroch Kirks, Furnish Bread and Wine to the Communion, so oft as it shall be Administrate. *Jam. 6. Par. 3. Cap. 55.*

That all Men Communicat once a Year, without respect to the Excuse of Deadly Feede, under the pains, *viz.* The Earl a Thou- sand Pounds, the Lord a Thousand Merks, the Baron of Three Hundred Pounds, the Free-holder Three Hundred Merks, the Yeoman Fourty Pounds, and the Burgeses (as the Council shall modify. *Jam. 6. Par. 16. Cap. 17.*

Communities.

Act for dividing all Communities not belonging to his Majesty in Property, or to Royal Burrows in Burgage, at the instance of any having Interest, by Summonds raised before the Lords of Sessi- on, and Commission to be given by, and Reported to them, with a provision about Mosses, and that Interests be Estimat ac- cording to the Heretors their respective Valuations. *W. and M. Par. 1, Sess. 5. cap. 38.*

Companies, *see* Fishing and
Manufactories.

Company Trading to Africa
&c. *See* Africa and Trade.

Compensation.

That Compensation *de Liquido in Liquidum* instantly verified by Writ or Oath, be admitted by all Judges before Decreet, but not by way of Suspension, or Reduction of the same Decreet. *Jam. 6. Par. 12. Cap. 141.*

Compryng.

That failzieing the Debtors Moveables, the Sheriff cause Sell his Land, and pay the Debt, redeemable by the Debitor, upon payment of the Price and Expence to the Over-Lord for Charter,

Seisin and Infeftment; And if the Sherif find not a Buyer, that he cause Apprise the Land, by Thirteen of the Worthiest of the Shire, and assign to the Creditor to the avail of his Sum. *Item*, That the Over-Lord receive the Creditor, or the Buyer upon payment of a Years Mail, as the Land is set for the time, or else he may take the Land to himself and undergang the Debt. *Jam. 3. Par. 5. cap. 37.*

That the Compriser within the Legal, have only Right to as much of the Mails and Duties as correspond to the Annualrent of the Principal Sum Comprised for, and if the Mails and Duties Exceed, and he please to Intromet therewith, that they be Ascribed in payment of his Principal Sum, *pro tanto*; And if his said Intromissions shall extend to as much as will satisfy the principal Sum, and Annualrents thereof, the Expences in passing and obtaining of Infeftments from the Superior, with the Annualrent of the saids Expences, and the necessary Charges and Expences made in leading the Comprising, Then the Comprising to Expire *ipso facto*. *Item*, The Legal does not run against a Minor, but he may redeem by payment as said is at any time within his perfect Age of Twenty five Years compleat, Yet if the seven years of the Legal run out in his Minority, the Compriser thereafter hath Right to the whole Mails and Duties, albeit they exceed his Annualrent. *Item*, If a Minor succeed a Minor, he hath Right to Redeem as if the Comprising had been led against himself. *Item*, If a Major succeed to Minor, after the seven Years run against the Minor, Then the Major hath only Year and Day to Redeem; But if the seven Years were not out-run in the Minors time, then the Major may Redeem within the seven, as if the Comprising had been led against himself. But if the Rents of the Lands comprised, do not render to the Compriser his Annualrent, Then Major or Minor Redeeming, must compleat the same, And if the Rent of the Land be Victual, then it is to be Estimat by the Common Prices of the Shire, betwixt *Tuil* and *Candlemass*. *Item*, This Act extends not to Comprisings expired before its date. *Jam. 6, Par. 23, Cap. 6, Anno; 1621.* And this Again Ratified as to Minors, but corrected in that That Minors during their Minority, are only obliged for the Annualrent of the Sums in the Comprising, and lose not the Right of the Superplus Mails. *Cha. 2, Par. 1. Sess. 3. cap. 10.*

A Compriser of Lands holden of the King, wanting his Authors Charter under the Great Seal, may Extract it off the Privy Seal, if it be not Registrat at the Great Seal, and get the Great Seal Appended to it at any time providing this prejudice not a third Party, who hath an Infeftment of these Lands, passed the Great Seal prior to the said Infeftment so past the Great Seal, which is only of Force against the person from whom the Lands were Comprised, and his Heirs and Successors. *Jam. 6. Par. 23. Cap. 8.*

Act discharging the Registration of Comprisings, but ordaining them to be allowed and Recorded within sixty Days after the date, otherways a *posterior* Apprising first Recorded to be preferred as to this Step of Diligence, but prejudice of farther Diligence by charges &c. *prout de jure. Cha. 2, Par. 1. Sess. 1, Cap. 31.*

The Legal Reversion of all Comprisings either to be Led, or whereof the Legal not then expired, extended to Ten Years: As also the Reversions of all Comprisings Led since *January* 1652, or whereof the Legals not then Expired prorogued for Three Years after *Whitesunday* 1661. *Item*, Where the Rent of the Lands Exceeds the Annualrent of the Sum due to the Compriser, the Debitor may cause him restrict his Possession to, or take Security for his Annualrent within the Legal, at sight of the Lords of Session, without prejudice of his Right upon the Expiration of the Legal. *Item*, That all Comprisings Led since the first of *January* 1652, and to be Led in time coming before the date of the first effectual Comprising, (That is to say, the Comprising preferable in respect of Infeftment thereon, or first exact Diligence for obtaining the same) or after, but within Year and Day thereof, come in *pari passu* the Posterior (or not Preferable) Comprisers always satisfying the first effectual Compriser of his whole Expences: And Except-herefrom all Comprisings for real Annualrents, and other *Debita Fundi*, which are to be Effectual and Preferable, according to the Laws and Practick now standing. *Item*, If a Compriser be desirous to take Lands in security or satisfaction of his Debt, the Debitor shall be holden to give the same at the Lords of Session their sight, or otherways shall Forfeit all Benefit of this Act. *Cha. 2, Par. 1, Sess. 1, cap. 62 Anno* 1661, The Act is for ordering the payment of Debts betwixt Creditor and Debitor.

But there is an Exception made from this Act, as to Comprisers coming in *pari passu*, where a second Compriser hath satisfied the first, and acquired Right to it *bona fide*, before the making of the said Act. In which case he is not to be prejudged as to his Right of the foresaid first Comprising, and only this own second Comprising is to come in *pari passu* with the rest. *Cha. 2, Par. 1, Sess. 3, cap. 22.*

Comptroller.

That the Comptroller charge himself with the whole Rent of his Highness Property, and be answerable for all the removable Chamberlains, as being in-put by himself, and that he do Diligence against such as are Heretable. *Fa. 6, Par. 11, cap. 67,*

That no Precept, or Discharge of the Property be allowed in the Exchequer, except subscribed and accepted by the Comptroller. *Ibid. Cap. 68. See Exchequer.*

All Few Infeftments, or Confirmations of the Property where-by the state of the Lands is altered, not subscribed by the Comptroller, and passing his Register are null. *Fa. 6, par. 12. cap. 127.* Ratified and Extended to all Infeftments of the Property in general. *Fa. 6, Par. 13, cap. 171.*

Condition.

That no unlawful or impossible Conditions be made in Contracts or Obligations, such as for a party to consent, that whatever be his distance, a Charge upon a short Day, and Denunciation, both

at the Mercat-Cross of *Edinburgh*, with Registration in the Sheriffs Books there, shall be sufficient, but the same here declared unlawful, and void. *Jam. 6, Par. 12, cap. 138.*

Confession of Faith, *see* Minister, Papist, Religion.

Act annulling all former Acts of Parliament, not agreeing with GOD'S Word, and contrary to the Confession of Faith, Ratified in this Parliament, and whereof the Tenor is subjoined to the Act. *Jam. 6. Par. 1. cap. 3.*

The Confession of Faith, and Doctrine, of the Protestants in *Scotland*, Authorised by the Estates of Parliament, as a Doctrine founded on the infallible Word of GOD, and whereof the Heads follow, First of GOD. 2. Of the Creation of Man. 3, Of Original Sin. 4. Of the Revelation of the Promise. 5. The continuance, Encrease, and Preservation of the Kirk. 6. Of the Incarnation of CHRIST JESUS. 7. Why it behoved the Mediator to be very GOD, and very Man. 8. Election. 9, CHRIST'S Death, Passion and Burial. 10. Resurrection, 11, Ascension, 12, Faith in the Holy Ghost. 13, The Cause of Good Works. 14, (But in the Old Copies marked 15) what Works are reputed good before God, 15, The perfection of the Law, and Imperfection of Man, 16, Of the Kirk. 17, The Immortality of the Soul, 18, Of the Notes by the which the true Kirk is discerned from the false, and who shall be judge of the Doctrine, 19, The Authority of the Scripture, 20, Of General Councils of their Power, Authority, and cause of their Convention, 21, Of the Sacraments, 22, Of the Right Administration of the Sacraments, 23, To whom Sacraments appertain, 24, Of the Civil Magistrate, 25, The Gifts freely given to the Kirk. Thir Acts and Articles Read, and Ratified by the Three Estates, upon the Seventeenth Day of *August 1560, Jam. 6, par, 1, cap. 3.*

That all Ministers of Kirks, or Beneficed Persons, or who hath Pension, or Portion, forth of the Benefice within a Moneth after his Admission, Subscribe the Confession of Faith, and give his Oath for acknowledging His Majesty, and make publick Profession of both in the Kirk, where he hath Interest on a Sabbath Day the time of Divine Service. *Item*, That any such person maintaining any Doctrine directly contrary to any Article of the said Confession, and persisting or relapsing after Admonition, be deprived of his Church-living, *Jam. 6, par, 3, cap. 46.* *Item*, That no Licence given to any such person, to depart and remain forth of the Realm, without skaith or hazard, be of any effect, in prejudice of the said Act, or of the persons provided to Benefices vaiking by vertue thereof, *Jam. 6, par. 7, cap. 106.* The Act is against Fugitives, and other Papists practising against the true Religion.

The Confession of Faith Ratified and Established as the avowed Confession of this Church: Of which Confession, the Heads are, 1. Of the Holy Scriptures, 2. Of God and the Holy Trinity. 3. God's

God's Eternal Decrees. 4, Of Creation. 5, Of Providence. 6, Of the fall of Man, of Sin and of the Punishment thereof. 7, Of God's Covenant with Man. 8, Of Christ the Mediator. 9, Of free Will. 10, Of Effectual Calling. 11, Of Justification. 12, Of Adoption. 13, Of Sanctification. 14, Of saving Faith, 15, Of Repentance unto Life. 16, Of Gods Work. 17, Of the perseverance of the Saints. 18, Of the Assurance of Grace and Salvation. 19, Of the Law of God. 20, Of Christian Liberty, and Liberty of Conscience, 21, Of Religious Worship, and the Sabbath Day, 22, Of lawful Oaths and Vowes. 23, Of the Civil Magistrate. 24, Of Marriage and Divorce. 25, Of the Church. 26, Of the Communion of Saints. 27, Of the Sacraments. 28, Of Baptism. 29, Of the Lords Supper. 30, Of Church-Censures. 31, Of Synods and Council. 32, Of the State of Man after Death, and of the Resurrection of the Dead. 33, Of the last Judgement. *W. and M. Par. 1, Sess. 1, cap. 5.* And this Act again Ratified, *Sess. 9, cap. 2, Ibid.*

Confirmation of Infeftments.

That in all Kirk or Crown Lands holden of the King, The first Confirmation be of avail, and prevail, The second Confirmation by way of Exception, or Reply, albeit it be the first Infeftment, without prejudice to these having Interest to quarrel the Infeftment confirmed upon Nullities, or other Reasons competent. *Item,* That no such double Confirmations be granted thereafter, and that the Keepers of the Seals do not pass, As also that the second Confirmation be of none avail, *Ja. 6. Par. 5, cap. 66.*

Confirmation of Kirk-Lands, *see Kirk, and Kirk-Lands.* Conjunct-Fiar.

A Woman Conjunct-Fiar, Ratifying her consent to the Alienation of the Lands made by her Husband, by her Oath in Judgement, that she shall not come in the contrary, will not be heard to quarrel it, or alledge Compulsion, *Jam. 3, par. 11. cap. 84.*

That the Conjunct-Fiar or Liferenter, required by the Sheriff or Baillie, find Sovery, not to destroy the Lands or Houses, but hold them in such case as she finds them; The Act provides also reasonable Living for the Heir, but this part of it seems only to respect the Wardator, *Jam. 4. Par. 3, cap. 25. See Wardator.*

This Act Ratified, and the Sheriffs and other Officers strictly enjoined to put the same to Execution when required, and impowered to charge for the said sovery on Twenty one days, under the pain of Tinsel of the profits of the Lands, *Jam. 5, Par. 4, cap. 15.* And both these Acts Ratified, and extended to Lands given in Conjunct-Fie, as well to Burgh as to Land, with a particular order

for the Execution thereof, within Burgh *Jam. 6, par. 14, cap. 117. See it in Burgh.*

Conservator, *see* Low-Countries.

That the Conservator have Jurisdiction to Judge with Six, or at least Four honest Merchants with him, betwixt Merchant and Merchant beyond Seas, and that no Merchant pursue another, before any other Judge. under the pain of Five Pounds, and the Parties Expences. *Jam. 4. p. 6. Cap. 81.*

That the Conservator come home yearly, or send a Procurator to Answer for him, under the pain of Tinfel and his Office, and of Twenty Pounds great to the King *Ibid. Cap. 82.*

That the Conservator admit no Cocquet, except the Merchants, Scippers, and Factors, Swear that they have no forbidden gudes, nor no lawful gudes, beside what is in the Cocquet, and that they know of none in the Ship pertaining to others, and that so far as they know, all the Goods pertain to Free-Men; As also, that before the Loading of the Ship for her return, They Swear that the Gudes pertain to themselves, and not to Strangers, otherwayes the Conservator may Arrest the Ship and Gudes, at least all the Goods of the Refuser. *Jam. 6, par. 15. cap. 257.*

The Conservator should put the Acts against Usury to Execution, upon all Scots Merchants, Skippers and Factors, in the Low-Countries, and Compt hereupon to the Thesaurer. *Ibid. Cap. 259.*

Constable of Scotland.

That the Constable, his Deputes, and the Ministers take no distress the time of the Session, or Parliament of things brought to Mercat, until his Intestments be seen. *Jam. 2. Par. 13. Cap. 60.*

That in Parliament time, or Fairs, great Constables use no Extortion, for what they call their Fees. *Jam. 3, Par. 5. cap. 34. See it in Fairs.*

Constables, *see* Justices of Peace. Conventicle, *see* Separation.

All Conventicles, or Privat Meetings in Houses, under the presence of Religious Exercises discharged. *Cha. 2, Par. 1. Sess. 2. cap. 4.* The Act is concerning Masters of Universities and Ministers. &c.

That no outed Minister, or other not Licenced by the Council, or by the Bishops, Preach, Expone Scripture, or Pray in any Meeting, except in their own Houses, and to those of their own Families. And that none be present at any such unlawful Meeting, under the pain of being guilty of keeping Conventicles; And the Preacher,

Preacher, Exponer or Prayer, to be imprisoned, untill he find Caution, under the pain of Five Thousand *Merks*, not to doe the like, or enact himself to remove out of the Kingdom, and not to return, without his Majesties Licence, and the persons present to be fined, each Heretor, Liferenter or Wadsetter, in a fourth of his valued Kent, each Tennent and Merchant, or chief Tradesman out with Burghs Royal in Twenty Five Pounds, and each Cottar and Inferiour Tradesman in Twelve Pound *Scots*, and each serving Man in the fourth part of his years Fee, and that for Wives and Children in Family Transgressing the half of the saids respective Fines be Payed, and if the Master, or Mistress of the House be present, that they be fined in the double, and that all be imprisoned, untill they make Payment, and farther at the Councils pleasure, and Magistrates of Burghs Royal, are declared to be lyable for every Conventicle within Burgh, as the Council shall determine; For which they shall have their releif off the Master of the House, and others present, at the sight of the Lords of Council, Reserving nevertheless to the Privy Councill, to Fine the said Inhabitants, If they please for Conventicles, either within or without Burgh. *Item*, That who unlicensed as said is, shall Preach, Expone Scripture, or Pray at a Field Meeting, or in any house, where there be more nor the House contains, so as some be without doors (which is declared to be a Field-Coventicle) or who shall convocat any number to these Meetings, that they be punished with Death, and Escheat of Guids, and the Apprehender of such persons, to have Five Hundred *Merks* reward, and Heretors &c. and all others present, to be Fined in the double of the Fines above set down, but prejudice of any other punishment due by Law, and the Execution of the Act is committed to Sheriffs, Stewards, and Lords of Regality, giving them the Fines of all, except Heretors for whose Fines they are to be comptable: and they, and Magistrates of Burghs are declared punishable for the negligence, and this Act to endure for Three Years, unless His Majesty continue it longer, *Cha. 2, Par. 2, Sess. 2, Cap. 5*, The Act is against Conventicles.

This Act continued for other three Years after the expiration of the first three, and longer as his Majesty shall appoint, and that Magistrates of Burghs be careful to execute the same upon their own Burgeses, and they and the other Judges above named, be diligent, and give account of their diligence yearly the first *Thursday* of *July* to His Majestie's Council, under the pain of Five Hundred *Merks*. *Cha. 2. Par. 2, Sess. 3, cap. 17.*

The foresaid Pains of Field Conventicles doubled, except as to Burgeses of Burghs Royal, and of Regality, and Barony, and theybeside the former Fine, are ordained to loss their Burgethips, and be banished the Town, *Cha. 2. Par. 3, cap. 4.* The Act is for securing the peace of the Countrey, This Act doth not expressly continue the former Acts, but supposes them to be continued as they were by His Majesties pleasure signified to the Council.

Preaching in Fanatical House, or Field Conventicles and presence for hearing of Field Conventicles to be punished by Death and confiscation. *Ja. 7. Par. 1. Cap. 8.* but this Act and all the Acts above

50 *The Abridgement of the*
bove against Conventicles rescinded. *W. and M. Par, 1, Sess. 2*
cap. 27. and 28.

Convention of Estates, *see* Parliament.

The Convention of Estates 1643, held without warrand from his Majesty rescinded with all the Acts thereof, *Chas. 2. Par. 1. Sess. 1, cap. 6.*

Convention of Estates holden at *Edinburgh*, the 4th *August* 1665, and Act thereof, for raising a Taxation of Forty Shillings the Pound Land of old extent termly, or yearly for Five years; Beginning the first Term or year *Whitesunday* 1666, And proportionally upon the Spiritual state and Burrows. *Act of Convention 4th of August 1665.*

Convention of Estates holden at *Edinburgh*, the 23 day of *January* 1667, And Act thereof for raising of Seventy two Thousand Pounds Monethly, to His Majesty for Twelve Moneth, after the said Moneth of *January* Inclusive, Act of Convention 23 of *January* 1667.

Convention of Estates, holden at *Edinburgh*, in *July* 1678, And Act thereof, for raising Twenty Five Moneths Cess; Extending to Eighteen Hundred Thousand pounds Scots to His Majesty in Five years space; being Five Moneths Cess yearly, to be payed at two Terms in the year: Beginning the first Term at *Martinmas* 1678, Act of Convention 10 *July* 1678, *See Supply.*

Convention of Estates, called by King *Williams* Circular Letters, met the 14 of *March* 1689, And thir Acts being made for that Juncture, the Titles thereof are only here marked, *viz*, Letter from *William* King of *England*, to the Estates, presented by the Earl of *Leven*, Read. Act 1, The Convention declared to be a free and lawful Meeting, under the hands of the Members thereof Subscribing: Act 2, Act, for inbringing the Arrears of the Publick Revenue: Act 3, Act, for putting the Kingdom in a posture of defence: Act 4, Act, anent an Oath to be taken by persons in Military Employments: Act 5, Act, Approving the Address made at *London*, to His Highness the Prince of *Orange*: Act 6, A Proclamation against Papists: Act 7, Act, for securing Suspect Persons. Act 8, Letter from the Meeting of the Estates, to the King of *England*; In Answer, to His Majesties Letter, to them: Act 9, The Nomination of the Committee Elected, for settling the Government: Act 10, Proclamation for calling together the Militia, on this side of *Tay*, and the sensible Men in some Shires; Act 11, Warrand to the Duke of *Hamilton*, to secure Suspect Persons, and bring in *English* Forces, as he sees cause. Act 12, Declaration of the Estates of the Kingdom of *Scotland*, containing the Claim of Right, &c. Act 13, *See* it in King *James*, and Kingdom. Proclamation, Declaring the King and Queen of *England*, to be King and Queen of *Scotland*: Act 14, Act, Declaring, That the Estates are to continue in the Government, until the King and Queen of *England*

England accept the Crown: Act 15, Proclamation, against the owning of the late King *James*, and appointing publick Prayers for *William* and *Mary*, as King and Queen of *Scotland*; And discharging the Proclamation of Council dated the 16 of *September* 1686, to be Read hereafter in Churches: Act 16, Additional Warrant for publishing the Proclamation, of *William* and *Mary* King and Queen of *Scotland*: Act 17, The Articles of Greivances to be redressed in Parliament, see them at length in *Grievances*: Act 18, Warrant for an Embargo upon Ships, and other Vessels, on the Western Coast: Act 19, Act for a Levy of Horsemen out of the severall Shires: Act 20, The Oath to be Administred to the King and Queen, at their Acceptance of the Crown: Act 21, See it in *King*; For it is the same in Substance with that appointed, *Jam. 6. Par. 1, cap. 8.* Act for a new Election of Magistrates in the severall Royal Burrows to be chosen by the Poll, as the Estates should appoint: Act 22, Act for Levying some Regiments of Foot: Act 23, Act Modelling 500 Horses in Ten Troups: Act 24, Order for an Embargo, to be laid on all Ships, that they Sail not to *France* or *Ireland*: Act 25, Act Nominating Commissioners to Treat concerning the Union of the Two Kingdoms: Act 26, Letter from the States to the Kings Majesty, with the offer of the Crown: Act 27, Act Nominating Persons to Attend Their Majesties, with the offer of the Crown: Act 28, Address for turning the Meeting of the Estates into a Parliament: Act 29, Instructions to those Nominat; to Attend the King and Queen with the offer of the Crown: Act 30 Proclamation for a Publick Thanksgiving. Act 31, Act, for raising Four Moneths Supply; And declaring the Cess Imposed by former Acts to be Extinct, and not due in time coming: Act 32, Act in favours of the Vassals and Creditors of Forfaulted Persons: Act 33, Act for a Contribution to the *Irish* and *French* Protestants: Act 34, Commission to the Committee of States: Act 35, Act Adjourning the Meeting of the Estates, to the first of *May* 1689: Act 36, Warrant to the Duke of *Hamilton*, to draw Precepts, for paying the Forces: Act 37, A Letter from His Majesty to the Estates; Declaring, He had accepted the Crown, and taken the Oath(Act 38, A Letter from the Estates to the Kings Majesty: Act 39, Act Adjourning the Meeting of the Estates, to the fifth of *June* 1689: Act 40.

This Convention Enacted and Declared to be a Lawful and Free Parliament, and that none disown or Impugne the Dignity and Authority thereof, under the pain of Treason. *W. and M. Par. 1, cap. 1.*

Act Ratifying the said Act, *W. and M. Par, 1, cap. 1.* And again Declaring the said Meeting of the Estates, the 5. of *June* 1689, to be a Lawful and Free Parliament, and that none disown the same under the pain of Treason as above, *Q. Ann, Par, 1, cap. 3, 1703.*

Con-

Convocation Unlawful, *see* Leagues.

That none presume to Convocat, Conveen or Assemble themselves, for holding of Councils, Conventions, or Assemblies, to Treat, Consult, and Determine in any matter of State, Civil or Ecclesiastick, except in the Ordinary Judgements, without the Kings Command, or expresse Licence, under the pain of Unlawful Convocation, *Jam. 6, par. 8, cap. 131.* The Act is Discharging all Jurisdictions &c. Revived and Ratified, and that to explain this Act, so as not to Extend to Conventions &c. holden for Preservation of the King, Religion, and Laws, and Good of the Kirk and Kingdom, is a False and Disloyal Gloss. *Car, 2, Par, 1, Sess. 1, cap. 4.* The Act is, Act Asserting His Majesties Royal Prerogative in making of Leagues &c.

Cornes, *see* Victual.

That Wilful Destroyers and Cutters of Growand Cornes, be punished to the Death as Thieves. *Jam, 6, par, 11, cap, 82.*

Covenant, *see* Leagues and Treason.

The National Covenant as Sworn and Explained in the Year 1638, and the Solemn League and Covenant, Declared Null and Void, *Char. 2, Par. 1, Sess. 2, cap. 2.* The Act is, Act for Preservation of His Majesties Person, Authority and Government.

Council.

Who Invades, or Pursue any of His Highness Session, Secret-Council, or Officers, it being Verified, and Tryed, that the same was done for doing of the Kings Service, shall be punished to Death. *Jam. 6, Par. 16, cap. 4.*

Commission to the Council, for ordering the Home-bringing of Bullion, and Discharging the Transporting of Gold, Silver, and forbidden Guids, under such pains as they shall think fit. *Ibid. cap. 9.*

Act Ratifying the Commission by King *James the 6th, April 1603*, to the Lords of Council: To receive Resignation of the Lands holden of His Majesty, and give Infeftments thereupon, Together with the saids Infeftments; As also, all Confirmations granted by His Majesties Ordinary Officers, declaring the same passing His Majesties Cashet and other Registers and Seals to be as Valid, as if they had past under His Majesties own hand, *Jam. 6, Par. 20. cap. 14.*

The Kings Council Impowered to appoint Prices for Writs, omitted in the Act of Parliament made thereanent. *Jam. 6, Par. 13, cap. 19.*

As also to set down and Impose Penalties for Justices of Peace, not keeping their Meetings; As also, to Amplify and Enlarge the Power of the saids Justices as they shall see cause. *Cha. 1, Par. 1, cap. 25.*

As also to set Prices to Ale, Drinking Beir, and Bread. *Cha. 2, par. 2. Sess. 1. cap. 15.*

As also to lay on moderat Customs, at Bridges, Causes, and Ferries for Repairing, and Upholding the same, in case the Stent appointed by the Act be not sufficient. *Cha. 2. par. 2. Sess. 1. cap. 16. See it in Wayes.*

The Privy Council Impowered to put the Oath of Alledgance for securing suspect persons till the next Session of Parliament. *W. and M. par. Sess. 2. cap. 14. Item,* They are Impowered to disarm persons not qualified by taking the Oath of Alledgance and Assurance, and Seize their Horses above 100 Merks value, in such manner as they shall judge most effectual. *W. and M. par. 1. Sess. 4. cap. 6. Item,* They are Impowered to put whom they think fit to the Alledgance and Assurance, till the next Session of Parliament. *Ibid.*

Courts.

That all Men come to Courts in Sober Manner, with no more than are in his dayly Household, and that they lay by their Weapons and Sheriffs put persons at Feede under Lawborrows. *Ja. 2, par. 14, cap. 82. Ratified Jam. 3, par. 14. cap. 104, and Jam. 6, par. 8, cap. 140.*

That no Man Ride to Courts with more persons than they may Sustain in Household dayly, Except the Kings Officers in the Execution of Justice, or for forth bearing of the Kings Authority. *Ja. 5, par. 4, cap. 28.*

In what manner persons should compear in Criminal Causes. *2. M. par. 6, cap. 41. See it in Crimes,* and both this Act with the former. *Ja. 2, par. 14, cap. 82. Ratified under the pain of unlawful Convocation as well against these Convocat, As the Convocator. Jam. 6, par. 8 cap. 140.*

That all Judges Fence and keep their Courts at the Hour of Cause, which is declared to be Eleven Hours before Noon. *Ja. 6, par. 11, cap. 86.*

Courts of Guerra.

That no Courts of Guerra be holden by no manner of person, under the pain of Slaughter, Reiff and Usurpation, on the Kings Leidges and his Authority. *Jam. 3, par. 8, cap. 70.*

Head-

Head-Courts.

That Free-holders compear at the Three Head Courts. *Jam. 1, par. 9, cap. 130. See it in Free-holders.*

That all Sheriffs, Stewarts, and Baillies, hold their Three Head-Courts by themselves, in proper Person, and that all Free-holders give Suit and Presence, if they owe the same, or send sufficient Suiters, if they owe but Suit. *Jam. 5, par. 6, cap. 71.*

Crafts, and Crafts-Men or Work-Men.

That ilk Craft have a Deacon, to be chosen by the Craft, with consent of the Officiar of the Town, for Governing and Effaying all Works before the Crafti-men of that Craft. *Jam. 1, Par. 2, cap. 39.*

That thir Deacons stand till the next Parliament, but have no Correction of the Craft, but allenarly Essay their Work. *Jam. 1, Par. 5, cap. 77.*

That the Aldermen and the Council of ilk Burgh upon Oath, prize the matter and Travel of work-men, and made Work, and make the Price known to all. *Ibid. cap. 79.*

That no Work-man take more Work in hand, nor he may Fulfil, under the pain of the value to the King, beside the fulfilling to the Parry, and that where a Work-man lets to fulfill his Work, another if free of other Mens Work, refuse not for just Fie, other-ways to be punished at the Kings Will. *Ibid. cap. 80. The Actis of Wrights and Masons and Jam. 5, Par. 7, cap. 111.*

Deacons of Crafts Discharged, and the former Acts appointed them Revoked. *Jam. 1, Par. 6, cap. 86.*

That Councils in Burghs choise a Wairden of every Craft, with Assstants to prize the Matter and workmanship of ilk Craft, and punish the Offenders, and that in Shires Barons gar prize in their Baronies, and punish accordingly. *Jam. 1, Par. 7, cap. 103. See Prices.*

That there be in ilk Burgh a Deacon of the Gold-Smiths, to Mark made Work, and his Fie 2 Penny of the Ounce. *Jam. 2, Par. 14, cap. 65, and Jam. 3, Par. 13, cap. 96.*

That no Crattf-men, nor Cordoners take Custom from such of their own Craft, as come to the Weekly Mercats, other then was wont by old Law, under the pain of Buying his Life therefore, as for common Oppression. *Jam. 4, Par. 4, cap. 42.*

That all Deacons of Craft, cease for one Year, and have no other power, bnt to Examine the Fineness of the Stuff, and Work Item, That all Makers and Users of the Statutes, (that Wages be payed for Holy-Days, as well as for Work-Days, and that no Craft men end the Work begun by another,) be punished as Oppressors. *Ibid. cap. 43.*

Who have Biggings, and Reparation, either to Burgh, or to Land, may choise Craftsmen Free or Unfree at their pleasure, and where he that begins Delays to end the Work, others may be taken in his place, and that no Craftsman make Impediment thereto, under the pain of Tinsel of his Freedom. *Jam. 5, Par. 7, cap. 111. Ratified Jam. 6, Par. 19, cap. 4.*

That there be no Deacons of Crafts, but a Visitor of every Craft chosen yearly by the Provost, Baillies and Council of the Burgh, to Visit the Craft Leilily upon Oath, but without any power to Gather or Conveen the Craft, and this Visitor to have Vote in choising of Officers, and otherways as Deacons had. *Item*, That no Craftsman Bruick Office within Burgh, except two of them to be chosen yearly on the Council, and on the Auditing of the Compts of the Common Guide, and the Breaker of this Act, to be punished by Wairding for a Year, Tinsel of Freedom, and the Escheat of a Third of their Moveables. *L. M. Par. 6, cap. 52.*

Creditor.

That no Deed made by a Rebel Unrelaxed be Valid against a Creditor. *Item*, That no Gift of Escheat, Assignation or other Right thereto, alledged made in Defraud of the Creditor, and in Favours of the Rebel, be valiable, if it be instantly Verified by Writ, that the Rebel is still at the Horn for the same Cause, and that it be a good Exception against any pretending Title, by Assignation, or Gift of the Rebels Escheat; That he, his Wife, Bairns, or Friends remain in Possession to his Behoof. *Jam. 6, Par. 12, cap. 145. See Fraudful Alienations, Bankrupt, Debitor and Creditor, and Escheat; The Act is, anent the Escheat of Rebels.*

Crimes and Criminal Procefs.

Crimes may be pursued by the Sheriffs in the Kings Name, if no Follower appear. *Jam. 1, Par. 14, cap. 140, and Jam. 6, Par. 11, cap. 76.* And that the Law for seven Years (fra the year 1434) be holden where the Trespass was done, without deferring to Regalities or Burrows therein. *Jam. 1, Par. 14, cap. 148.*

That in Criminal Pursuits the Letters be subscribed by the Writer and Justice Clerk, and his Deputes, and that the Justice Clerk take Soveryty for Reporting the same, under the pains contained in the Letters. *Item*, If the Defender in mutilation be assoilzied, or a multitude called for any Crime, and be found Innocent, The Pursuer shall be in an Unlaw of Ten Pounds less or more to the Defender, and pay the Expences of the Assisours, at the discretion of the Justice, and who has not in Guids, may be punished Corporally. *Jam. 5, Par. 4, cap. 35. Item*, The accused being found Innocent, that their Expences be modified by the Justice, Justice Clerk and their Deputes, beside the foresaid Pains for such as are Acquit, or Past from. *Jam. 6, Par. 11, cap. 87.*

In Criminal Causes the Pursuer may compear with Four, and the Defender with Six of his Friends, and no more, otherways

the Justice may charge the Breaker to enter their persons in Waird, there to remain during the Queens pleasure, under the pain of Rebellion, and if they disobey put them to the Horn. *Q. M. Par. 6. Cap. 41.*

That no Criminal Letters be direct against Complices in General, but against special persons complained upon: And that no Officer presume to Charge Complices given in Bill. *Item*, That he Summond no more Persons without special Warrant to be Assisours, than Forty Five given him by the Pursuer in a Roll subscribed by him, or a Nottar for him; which Roll shall be annexed to his Execution unaltered, and that under the pain of Five Hundred Merks and Deprivation, and his person to be in the Kings Will. *Jam. 6. Par. 6. Cha. 76.* The Act is for the Remeid of the Fraud and Disorder used by Officers of Arms &c.

That no Officers Summond more Persons on Assises but as above, nor put out, nor put in the saids Rolls for Gratitude or good Deed, under the pain to be punished as an Oppressor to Death. *Jam. 6. Par. 11. Cap. 88.* But now the Roll of the Assisours is appointed to be signed by the Judges. *Cha. 2. Par. 2. Sess. 3. Cap. 16.* Concerning the Justice Court. That the Unjust Pursuer in Criminal Pursuits, if the persons be Acquitt, and within the number of Ten, pay Ten Pounds, and if more Twenty Pounds; and that Docm be given therefore, and the Party kept in Waird untill he make payment. And if the Kings Advocat be only Pursuer, that his Informer be lyable, and Letters of Horning and Poinding therefore summarly direct on the Act of Adjournal. *Item*, That the Justice Clerk, and his Deputes take Soverty at the giving of Criminal Letters for the Reporting of them duely Execute, and that the Raifer shall Insist under the Pains contained in the Act of Parliament. *Jam. 6. Par. 6. Cap. 78.* See the pain in Pains. Capital Crimes are reckoned, Treason, Slaughter, Mutilation, Adultery, Incest, Theft, Common Oppression, Usury, Perjury and Falshood. *Jam. 6. Par. 8. Cap. 132.* The Act is, the Causes and manner of Deprivation of Ministers.

That the Soverty to be found in Criminal Pursuits by the Pursuer to Report &c. And the Defender to compear, be found by them also for their compearing in sober manner, with the Numbers prescribed. *Q. M. Par. 6, cap, 41.* Reckoning their Proloquutors, otherwayes the pains to be incurred by the Pursuer, and the Defender to be Adjudged Absent and Fugitive. *Item*, That the Justice and his Deputes, make Record of the Persons present in Court, contrary to the said Act, and cause Denounce them. *Item*, That in the Premises, Denunciation made at the Mercat Cross of the Head Burgh, where the Justice Court sits, and Registration in the Journal-Books, shall be as sufficient as Denunciation and Registration, in the Shire where the Rebels dwell, *Jam. 6. Par. 8, cap. 147.*

The Thesaurer and Advocat may pursue all Crimes, albeit the Parties should be silent, or agree, *Jam. 6, Par. 11, cap. 76.*

That all Criminal Libels, Libel Art and Part, which part of the Libel shall be Relevant against all Exceptions, *Jam. 6, par. 12, cap. 151.*

That

That in all Criminal Pursuits, the Defender or his Advocats be the last Speakers, except in cases of Treason and Rebellion against the King. *Item*, That the Defender have the List of Witnesses to be made use of against him, given him with the Libel; And the Pursuer in like manner such as the Defender intends to use for Exculpation with the Summons thereof. *Cha. 2, Sess. 3, par. 2, cap. 16. Concerning the Justice-Court. See Justices.*

That where in Capital Crimes, Inferiour Courts were obliged to Try and Execute within Three Suns, this Restriction is limited to the Tryal and Sentence only, but the Execution left to the Discretion of the Judge, not exceeding Nine Days. *W. and M. Par. 1. Sess. 5, cap. 4.*

Crowner.

Crowner

The Crowner shall Arrest as well before, as after the Cry of the Justice Air, but only such as shall be given to him *in portuous* by the Justice-Clerk, and none other, *Jam. 1, Par. 13, cap. 139.*

That the Crowner receiving his *Portuous* and *Traists*, if there be any Person therein, that he dares not Arrest, that he go to the Baron or Sheriff, and if they refuse to be Sovery for the Persons Dwelling within their Respective Bounds, That they assist and fortify him for Arresting the saids Persons, under the pain of Ten Pounds to be payed by them to the King, *Jam. 3, Par. 14, Cap. 99.*

That the Crowner do not intromet with the Goods of Men Convict, but by the Sheriffs Warrant, under the pain of Reiff, and that the Sheriff give the Crowner no more than his due. *Ibid. cap. 102.*

That the Crowner should have of the Goods of Persons Convict, the Dantoned Horse depute to Work, and not to the Saddle, never Shod, nor used to Shoone. *Ibid, cap. 113.*

That the Crowner Arresting Persons at their Dwelling places, and Paroch-Kirks, take Sovery of them, and Arreast their Goods until the said Sovery be found, or else Waird the Persons, or deliver them to the Sheriff. *Jam. 5, par. 3, cap. 5.*

If the Crowner cannot apprehend Personally, it is enough that he warn the Person to be Arrested at his Dwelling place, and make publick Intimation at the Paroch Kirk next Sunday thereafter, which shall be an sufficient Arrestment, The Crowner proving it by his own, and one Witness Oath, *Jam. 5, Par. 4, cap. 34.*

Cruves and Zaires.

That all Cruves and Zaires, set in fresh Waters where the Sea Flows and Ebbs, be destroyed, under the pain of an Hundred shillings, and that they that have them in fresh Waters, where the Sea Flowes not, keep the Saturdays sloop, and suffer them not to stand in forbidden time, under the said pain, and that ilk Heck of the saids Cruves, be Three Inches wide, *Jam. 1, Par, 1, cap. 11.*

Ratified with this Addition, That the Mid-Stream in Fresh-Waters be left free by the space of six foot, under the pains of Five Pounds, *Ja. 3, Par. 10, Cap. 74.*

Again Ratified, But the Mid-stream ordered to be left free by the space of five Foot; That ilk Heck of Cruves be five Inches wide, (but three Inches is found by the Lords, to be the just measure) and that Sheriffs, Stewarts, &c. Execute the Act anent Cruves, under the pain of Twenty Pounds, *Jam. 4. Par. 2, cap. 15, and Jam, 5, Par. 4, cap. 16.* And the Holders of Cruves against the Laws to be punished as Slayers of Red-Fish, Salmond and Smolts, *Ibid. cap. 17. See Salmond.*

The Act *Jam. 4, par. 2, cap. 15.* Ratified: And farther, that all Landed Gentlemen put the Acts for putting down of Cruves to Execution within their Bounds, under the pain of an Hundred Pounds, And if they fail, that Sheriffs and Baillies do it under the like pain, *L. M. Par. 9, cap. 68.*

Ratified, and Sheriffs, Stewarts, Baillies, Lords of Regality, and Magistrates of Burghs next adjacent, are impowered to cast and hold down the saids Cruves, and to convocat the Leidges for that effect, *Jam. 6. Par. 6. cap. 89.*

A Commission given to certain Judges within their Respective Bounds through the Kingdom granted for this end, without prejudice, to such as are duely Infeft, and in possession of holding Cruves, Lines, and Caupes within Fresh Water, providing they keep the Saturdays fop, and due wideness of the Heck, *Jam 6. Par. 7; cap. 111.* No mention here of keeping the Mid-stream free.

Cunningars and Cunnings.

Destroying of Cunningars and Cunnings a point of dittay. *Jam. 1, Par. 2, cap. 33, and Ja. 2, Par. 14, cap, 88. See Theft.*

That no Man take Cunnings out of anothers Cunningars, under the pain of Dittay and Theft, *Jam. 3, Par, 7. cap. 61. L. M. par, 6. cap. 58.*

Ratified, with Augmentation of the pains pecunial, to Ten, Twenty, and Fourty pounds, or Corporal, of Prison, Stocks, and Death, for the first, second, and third Faults, *Jam. 6. Par. 6, cap, 84. See Theft.*

Cunzie, or Coynage, see Bullion and Money.

The Cunzieour not observing the standard of the Groat, Tines Life and Goods. *Jam. 4. Par. 2. cap. 17.* Act for a free Coynage in manner therein fully set down; And the Standard of fineness for Silver Coyne, declared to be Eleven Deniers, two Graines. *Item,* The Officers of the Mint may not directly, or indirectly bring any Bullion to be Coinzied. *Item,* The Inbringers of Bullion are to be answered on their demand, in the outgiving of Coinzied Money, without any preference. *Item.* That there be a Clerk in the Mint Office,

D.

Dammage, *see* Expence.

Deacon, *see* Craft.

Dean of Guild, *see* Guild.

Death-Bed.

THIS Exception, that the maker of the Deed, Lived Three-score Days thereafter, Declared sufficient to Elide the Reason of Death-Bed, as to all Deeds in time coming. *W. and M. Par. 1. Sess. 6. cap. 4.*

Deer, *see* Wild-Beasts.

Debitor and Creditor.

Discharge of Personal Execution for Six years after *Whitsunday* 1661, For all Debts Exceeding a Thousand Pounds Contracted before *Whitsunday* 1658, in manner provided in the Act, but in case a Debitor have voluntarily renounced the Benefit of any Act of this nature, made or to be made, the same is declared to be of Force and Effectual; As also that the Laws, as to all Debts and Payments, shall be observed Inviolably hereafter. *Cha. 2. Par. 1. Sess. 1. Cap. 62.* The rest of this Act in *Comprising* and *Woodsets*.

DEBT PUBLICK.

Act Discharging such as during the late Troubles, gave Bonds, for Sums imployed for the use of the Publick, and their Heirs and Executors with the saids Bonds themselves, and all that hath followed, or may follow thereupon *simpliciter*, providing the persons claiming the Benefit hereof, take the Test: That is the principal Debitor for himself and his Cautioners, or if he do not each Cautioner for his own part. Dispensing with the Heirs and Executors of the late Duke of *Roths*, and also Dispensing with the Heirs and Executors of the Earls of *Cassis* and *Lothian*, for Debts contracted in the Year 1650 for his Majesties use. *Cha. 2. Par. 3. cap. 26.*

Declaration.

Act for signing the Declaration therein set down by all in publick Trust, at, or before their Admission thereto: Under the pain that if they Enter or Exercise without doing the same, they shall be punished as Usurpers of his Majesties Authority, and their places disposed upon to others. *Cha. 2. Par. 1. Sess. 2. cap. 5.* The same

same again enjoined, with the Methods how, and when the same is to be signed by all in present Trust; and such as refuse, when Elected to be Magistrates, Clerks, or of the Council of Burghs, to sign this Declaration, do also farther amit their Liberty as Burgessees. *Ibid. Sess. 3. cap. 3. See Test. Cha. 2. Par. 3. cap. 6, and Cap. 25.*

Declinatour.

The Act Jam. 6, Par. 15. Cap. 116, That no Lord of the Session, sit or Vote in the Causes of their Father, Brother, and Son, Extended to the like Degrees in Affinity: To wit, Father, Brother, and Son in Law, As also that they do not sit and Vote, where they are Uncle, or Nephew, to either Party; And this Act Extended to the Lords of Council, Exchequer, and Justiciary, and all other Judges, who may be declined, when related in the Degrees foresaid. *Cha. 2. Par. 3. Cap. 13.*

Decreet.

That on all DECREETS given by the Lords of Session, or other Decrees whereunto their Authority is interponed, Letters as well of Horning as Poinding be Direct, whether the Decreet be given for a Liquid Sum, or that the Execution consist *in facto*: And that no Suspension be Granted, Except real offer be made, and refused and upon Confignation, consideration always had of the Days of the Charge, Distance of the Party, and Quantity of the Sums. *Jam. 6, Par. 8, Cap. 139.*

Deeds, *see* Writs.

Defence of the Realm, *see* Host,
and Weapon-shawing.

Defender.

The Defender not Compearing should be decerned in Costs and Skaiths to the Party Compearing, and Fourty shillings to the Judge. *Jam. 4, Par. 3. cap. 30.*

Persons Accused of Treason or other Crimes, may freely Defend themselves by Advocats. *Jam. 6. Par. 11, cap. 38. See Advocats.*

Deforcement.

That the Lords proceed summarly in Actions of Deforcement, to put them to a poinr without intermission, and the Persons convicted of Deforcement to be punished by the Escheat of Moveables, and their Persons at the Kings Will, And that their Escheat be burdened with payment of the Debt, the Parties Expences highly Tax-
ed,

ed, and a Sum to be modified by the Lords for their Dammage in the first place. *Jam. 6. Par. 7, cap. 118.*

Deforcers of Officers in Executing their Offices, may be called Civilly, or Criminally, and their Lives and Goods are in the Kings Will. *Jam. 6, Par. 11, Cap. 85.*

An Officer or Sheriff in that part being Deforced, Molested, Invaded, or Pursued to the Effusion of Blood, in the Executing of any Summons, or Decreet, by the Person Summoned or Charged, or any other of their causing, the Deforcer or Invader, times all his Moveables, half to the King, half to the Party, and the Execution is declared Lawful, *Jam. 6. Par. 12, Cap. 150.*

Demembration.

Demembration by Fore-thought-Fellony, punishable by Death *Jam. 4, Par. 3, Cap. 28.*

Denunciation, *see* Horning.

Deponing against Delinquents.

An Act Declaring it to be the Duty of every Subject without Exception, to declare and depone upon Oath, when called by the Privy Council, or any other having Authority from his Majesty, their knowledge of any Crime against the publick Laws and Peace of the Kingdom, Especially of Conventicles and other Unlawful meetings, and of the Persons present, and things done therein, or of the Resetting or Intercommuning with Fugitives and Rebels, and that who refuse or delay be punished by Fining, Imprisonment or Banishment to the Plantations in the *Indies*, or elsewhere as the Council shall think fit, provided that no Mans Deposition against another, shall infer against himself, lose of Life, or Member, or Banishment, *Cha. 2, Par. 2, Sess. 2, Cap. 2, The Act is, Act against such who shall refuse to Depone against Delinquents.*

Depredation, *see* Robbery and Spulzie.

Dice, *see* Cardes.

Dilapidation.

That Ministers provided to Benefices under Prelacies, make no Disposition of the Rents thereof, to the prejudice of their Successors or Diminution of the Rental, under the pain of Deprivation, both from Office and Benefice, and their Set and Location, be discerned Null, *Jam. 6, Par. 7, cap. 101.*

That all Persons provided to Bishopricks, and other Benefices whatsoever, at his Highness Presentation, find Caution to the Clerk,

at the passing of their Signatures, to leave the same at their Decease, or Dimission Unhurt or Vintat, and all Fines, Tacks, Pensions, Changeing of Victual into Money, or other Disposition in the contrary, are declared Null, *Jam. 6, Par. 10, Cap. 11.*

Ratified, And that no Person provided to a Bishoprick, Dispose or give in Pension, any part thereof, to endure longer, then he shall bruick the said Bishoprick, and if he shall Dismember any part thereof, the same to be a Deed of Dilapidation. *Item,* That no Bishop set in Few or Tack, or Dispose otherwayes of any part of their Benefice, without consent of their Chapters, or greatest part of them, But no necessity that the Chapter be Chapticly Conveened for that Effect, *Item,* That Rental be made of their Bishopricks, to remain in their Integrity in all time coming, *Jam. 6, Par. 18, cap. 3. See Bishop.*

Ratified, Declaring all Tacks of Quotes of Testaments or other Casualties pertaining to Prelates, to be set in time coming to be Null; And that they can only Dispose or set the same during their own Lifetimes allenarly, *Jam. 6, Par. 22, Cap. 5.*

Diffolution, *see* Annexation.

Act of Diffolution, That his Majesty may set all his Lands Annexed, or not in Few-Ferm, swa that it be without Diminution of his Rental, and other Duties. *Item,* The Diffolution is but for the Kings Life, albeit the Few set by vertue thereof, stand perpetually, *Jam. 4, Par. 6, Cap. 90.*

Act of Diffolution, *Jam. 5,* swa that it be not in Diminution, but in Augmentation of the Rental, *Jam. 5, Par. 7, Cap. 116.*

Act of Diffolution, *Jam. 6,* In order to the setting of Fewes, providing they be not set within the just avail, which is declared to be the Duty, to which the Lands are, or may be Retoured for the new Extent, *Jam. 6, Par. 9, cap. 6, Anno 1584, Rescinded Anno 1594,* As also, all Acts of Diffolution made by Kings in their Minorities, albeit the same with the Infeftments thereon be Ratified in Parliament, in their Majorities, *Jam. 6, Par. 14, cap. 207.*

Another Act of Diffolution, in order to certain Lands therein expressed, bearing the ordinary Conditions, and the Earldom of Ross, and Lordship of *Ardmanoch,* the Patrimony of the Kings second Son, are also contained in this Diffolution, *Jam. 6, Par. 11, cap. 3, Anno 1587.*

Diffolution of all Annexations of Forefaulted Lands, where the Forefaultures are reduced, *Ibid, cap. 31,* The Act is, The Kings General Revocation, General Diffolution of all Lands pertaining to the Crown, and Un-annexed, to be set in Few with Augmentation of the Rental, and with Preference of those they have already few Infeftments thereof, providing they renew the same betwixt, and a Day prefixed, Excepting from this Act, The Kings Castles, Palaces, Yeards, Woods, Parks Forrests, Pastures, and in special the Lowmonds of *Falkland,* Coal-Heughs and Offices. *Jam. 6, Par. 14, Cap. 204.*

But the Ground of Demolishing Castles, with the Bounds, Meadows,

Meadowes, and Lochs thereto belonging; As also his Majesties Coal-Heughs are also Dissolved, to be Set in Few with Augmentation of the Rental. *Jam. 6, Par. 16, cap. 8.*

Dissolution of the Lands and Earldom of Gowry, especially the Lands of *Huntingtour*, and Lands of *Strathbrand* to be set in Few, for Augmentation, &c. Declaring certain parts thereof to be Dissolved to be set in Blench to the Earl of *Montrose*, *Jam. 6. Par. 18, cap. 18.*

Dissolution of the Lowmonds, and Moors of *Falkland*, to be set in Few-Ferm for Augmentation &c, *Ibid, Cap. 19.*

Dissolution of the Annexed Property to be set in Few-Ferm for Augmentation &c. But Excepting the Kings Castles, Palaces, Yards, Woods, Forrests, Parks, Pastures for Sheep and Nolt, and in special the Lowmonds of *Falkland*, Coal-Heughs and Offices, and the Dissolution to endure *ut supra*, *Cha. 1, Par. 1, cap. 11.*

Dissolution of the Lands of *Cessnock* and *Duchal*, in Favours of the Earl of *Melfort*. *Jam. 7, Par. 1, Sess. 2, cap. 1,* But the Forfeitures of *Cessnock* and *Duchal*, with this Act are Rescinded, *W. and M. Par. 1, Sess. 2, cap. 18, and 28.*

Dissolution of the Lands and Barony of *Torwoodlie* from the Crown in Favours of Lieutenant General *Drummond*, *Jam. 7, Par. 1, Sess. 2, cap. 7,* But *Torwoodlies* Forefaulture with this Act Rescinded, *W. and M. Par. 1, Sess. 2, cap. 18, and 28.*

Dissolution of the Lands of *Mollarstanes*, and the other Estate of *Ferviswood* from the Crown, in Favours of the Duke of *Gordon*, *Jam. 7, Par. 1, Sess. 2, Cap. 13,* But *Ferviswoods* Fortaulture with this Act Rescinded, *W. and M. Sess. 2, Cap. 18, and 28.*

Dissolution of the Lands of *Earlestoun*, *Craucklaw* and *Caitloch* from the Crown, in Favours of Sir *Theophilus Okelthrop*, *Jam. 7, Par. 1, Sess. 2, cap. 26,* But these Forefaultures with this Act Rescinded as above.

Dissolution of the Lands of *Grange* in Favours of Sir *Thomas Kennedy*, and of the Lands of *Cultness*, *Northberwick* and *Goodtrees*, in Favours of the Earl of *Arran*, *Jam. 7, Par. 1, Sess. 2, cap. 27, and 28,* But these Forefaultures with these Acts Rescinded. *W. and M. Par. 1, Sess. 2, Cap. 18, and 28.*

Dissolution of the Lands pertaining to the Earl of *Tarras* in Favours of the Earl himself, *Jam. 7, Par. 1, Sess. 2, Cap. 29.*

Act, Dissolving from the Crown all Forfeited Estates Annexed to the Crown in the Reign of King *Jams 7th*, *W. and M. Par. 1, Sess. 2, cap. 19.*

Act, Dissolving from the Crown, the Estate of *Polwarth*, 22 of July 1690.

Act, Dissolving from the Crown, the Estate of the Earl of *Melvil*, 22 of July 1690, Ratified 12 of June 1693.

Act of Dissolution of the Few-Duties of *Bute*, and other Rents allocat to the keeping of the Castle of *Dumbartoun*, and the Constabularie thereof, in favours of the Dukes of *Lennox* and *Montrose* Reserving to Her Majesty the Castle, that is the Rock and Fortifications thereof, as still Annexed to the Crown, *2. Ann Par. 1, Sess. 2, cap. 2. Anno 1704.*

Dogs, *see* Game.

Donations Pious.

Gifts, Legacies, or Donations for Pious Uses, may not be inverted from the specifick Use destinat by the Disponer, and the Person intrusted are made comptable for the same, and ordinary Prof thereof to the Kirks, Colledges, and others to whom they are Disponed, or to the Bishop of the Diocy, for their Use, and this extended to all such Dispositions made since the Majority of King James the sixth, and that Letters be thereon Direct. *Cha. 1, Par. 1, cap. 6.*

Doomes.

The form of falsing of Doomes, and the Falser to offer a Burgh Assign a Reason, and protest for more, *Jam. 1, Par. 9, cap. 116.*

The Process of Falsing of Doomes now not in use, *Jam. 4, Par. 6, cap. 95.*

The Words to be used in Falsing of Doomes changed. *Ibid. Cap. 99.*

Dowcats and Doves.

Destroyers of Dowcats a part of Dittay, *Jam. 1, Par. 2, cap. 3.* See it in *Theift.*

That no Man Break, or take, or steal Doves out of another Dowcat, under the pain of Theift, *Jam. 3, Par. 7, cap. 61. Jam. 4, Par. 6, cap. 69. 2 M. par, 6, cap. 58.* Ratified with an Augmentation of the Pains, even to Death, against such as can not pay the Fines, *Jam. 6. Par. 6, cap. 84.* The Act is, Act against Destroyers of Planting, &c. *Jam. 6. Par. 19, cap. 4. See Theift.*

That Lords and Lairds make Dowcats, &c. *Jam. 4, Par. 6, cap. 74.* See it in *Planting and Policy.*

That no Man have Liberty to Build a Dowcat in Burgh, or in the Country, except he have Lands and Teinds, to the value of Ten Chalders of Victual yearly, within two Miles of the said Dowcat, and he may only Build one and no more, *Ja. 6, Par. 22, Cap. 19.*

Drunkenness.

That all Persons convict of Drunkenness, or haunting of Taverns and Ale Houses after Ten of the Clock at Night, or at any time of the Day, except the time of Travel, or for Retreshment, pay for the first Fault Three Pounds, or be put in Jogs or Jayle six Hours for the second Five Pounds, or be put in Jogs or Jayle Twelve Hours, and for the Third, Ten Pounds, or Stock or Jayle Twenty four Hours; And if they thereafter Transgreis, to be put in Jayle till they find Caution: And all Sheriffs, Stewarts, Provost, Bailies. Justices of Peace, and Kirk-Sessions are Impowered

Execute this Act, and apply the pains *ad Pios Necessarios Usus*. Jam. 6, par. 22, cap. 20.

Ratification of all Acts against Drunkenness, and farther who Drink to Excess shall pay; The Nobleman Twenty Pounds, The Baron Twenty Merks, The Gentleman, Heretor, or Burges, Ten Merks, The Yeaman Fourty Shillings, and the Servant Twenty Shillings *toties quoties*, And the Minister the Fifth part of his Stipend, and the Fines to be Applied as in the Act anent the Justices of Peace, made this Parliament, and the unable to pay, to be punished in their Persons, Cha. 2, Par. 1, Sess. 1, Cap. 19. And both these Acts Ratified, Cha. 2, Par. 2, Sess. 3, Cap. 22, See Act in Profaneness.

Duell, *see* Combat.

Dumbartoun Castle, *see* Dissolution.

Dumfermling.

Confirmation of the Gift of the Abbacy and Lordship of *Dumfermling*, Lands, Teinds, and others thereof, lyand on the North-side of the Water of *Forth*, made by the King to the Queen for her Lifetime, at *Upslo* in *Norway*, the 24. of November 1589, Jam. 6. Par. 13, cap. 193.

Another Act, concerning the same Gift, Calling it *The Kings Morning Gift to the Queen*, but mentioning neither for her Lifetime, nor yet her Heirs, but Confirming her Charter and Seasin thereof, and Compensing to her so much as wants of the said Abbacy. *Ibid.* cap. 194.

Ratification of the Queens Infeftment of the Lordship of *Dumfermling* to her, and Heirs of her Body by the King, which Failzieing to the King and his Heirs and Successors. Jam. 6. par. 21, cap. 10, See *Queen*.

E

Edinburgh.

Order for Bigging *Leith-Wynd* in *Edinburgh*, and removing the *Flethers* from the East-side of it. Jam. 5, Par. 7, cap. 102.

That the Meal-Mercat of *Edinburgh*, be removed off the High-Gate. *Ibid.* cap. 103.

That there be Bread-Mercats openly in *Edinburgh*, where all may Sell Bread, viz. On the Munday, Wednesday and Friday. *Ibid.* cap. 121.

As also Three Flesh-Mercats, on Sunday, Munday, Thursday. Weekly with the same Liberty. *Ibid* cap. 122.

Ratification of all Donations, and Mortifications made by the King since his Coronation, or by his Mother in her perfect Age, to the Town of *Edinburgh*, for Sustentation of their Ministers, and entertaining their Hospitals, Especially of Lands, Annualrents and Tenements within the same, Founded to whatsoever Benefice Great or Small, and Lands or Annualrents without the same, Annexed to any Benefice or Religious place within it, Annexing the Premises to the Community of the said Burgh, and Dissolving the General Annexation, and Discharging the Kings Revocation, in so far as they may be prejudicial thereto. *Jam. 6, par, 12, cap. 159.*

Ratified, and all Gifts given by his Majesty, of the Premises to any others since the Date of the Gift, of the same Granted to the said Town Revoked, and Rescinded. *Jam. 6, Par. 13, cap. 185.*

That none of whatsoever Estate or Degree, Disobey or Contraveen the Charge of the Provost and Baillies of *Edinburgh*, preceeding by Immediat Command of his Highness, by vertue of Letters of the Lords of Secret Council, or by the Lords of Session, or by Statute of their own Council, or by their own Authority, agreeing with their own Liberty, and not prejudging that of others, or do violence to them, or their Officers, in the Execution of their saids Offices; under the pains of Deforcement and Sedition. *Item.* Full Power and Authority is given to them, having first acquainted his Majesty for his Allowance, to Convocat and Assemble in Armes, raise Men of War on Pay, and Use Hagbuts, and all other Armours at all times when they shall think Expedient *Item,* if any Person in Resisting the saids Magistrats, or in the Redding of Parties (providing it be with long Weapons, and not by shutting Hagbuts or the like) shall be Hurt, or Slain, the saids Magistrats and Comunity of the Burgh, and all their Assisters, are therefore Amply Indemnified. *Jam. 6, Par. 13, cap. 184.* The Act is anent Tumults within the Burgh of *Edinburgh* &c.

That no Person Build in *Edinburgh*, in time coming any Houses, Except such as shall be covered with Sclaitt or Skailly, Lead, Tyle, or Thack-Stane, and that such Houses as are now Thacked with Thack or Straw becoming Ruinous shall be Repaired and Covered as aforesaid, and that Letters be Direct for this Effect. *Jam. 6, Par. 23, cap. 26.*

Act Ratifying the Act of Privy Council 17 of February 1618, That no Stacks of Hether, Broom, Whines, or other Fewel, be kept in *Edinburgh*, in the Streets, or Houses thereof, after the first of May 1618, under the pain of Tinsel thereof and Five Hundred Pounds beside, to be payed by the Keepers; but that the same be set at some Remote parts of the said Burgh, where there are no Houses. *Item,* That Fleishers keep no Slaughtering Houses in the said Burgh, nor toome their filth in the Streets thereof, but at the North-Loch side, and that Candle-Makers keep no Melting-Houses, but at some Remote parts of the Town after the said Day, under the said pain of

of 500 Pounds: And that the Magistrats take special care to see this Act Observed. *Ibid. cap. 29.*

Act, Ordaining the Magistrats to keep the Streets Clean and Free of Beggars, under the pain of 1000 Merks Yearly, to be payed to the Lords of Session, and Applied for that end. *Item, That the Lords of Session receive Proposals from the Magistrats, and that with Advice of the Magistrats, they may Impose Taxes on all the Inhabitants to the Effect toresaid, for which Horning and Summar Pounding may be used, and that the Magistrats Execute what shall be agreed upon by the Lords under the said pain, for which the Magistrats Faulty shall have no releif. Jam. 7, Par. 1, Sess. 2, cap. 12.*

Act, Regulating the manner of Building within *Edinburgh*, see the Act, It is very particular and that no new Houses be Built Higher then Five Stories above the Calisay. *W. Par. 1, Sess. 7, cap. 1.*

Egyptians, *see* Beggars.

Act, Banishing all Vagabounds commonly called *Egyptians*, forth of the Kingdom for ever, after the first of *August* 1609, and not to return under the pain of Death, to be Execute upon them as Notorious Theives, on Tryal to be taken by an Assise, that they are holden, and Repute *Egyptians*, and that none Reser them, and all warrands in the Contrary are Declared Void. *Jam. 6, Par. 20, cap. 13.*

Ejection, *see* Removing.

That the Defenders in Ejection, find Caution for the Violent Profits, as in causes of Removing, the first dyet of the *Litis Contestation*, or otherways Decreet to be given against them. *Jam. 6, Par. 14. Cap. 221.*

Ell.

That the Ell contain Thirty Seven Inches. *Jam. 1. Par. 4. Cap. 68.*

Engagement.

Act approving the Engagement in War for the Kings Releif, in the Year 1648. *Cba. 2. Par. 1. Sess. 1. Cap. 9.*

England and English, *see* Borders.

That no Man buy *English* Cloath or Gudes from *Englishmen* in *Scotland*, or without, under the pain of Escheat, and that no *Englishman* bring away any, except they be specified in his Conduct

duſt, or in payment of Ransome of Englishmen. *Jam. 1. Par. 13. cap. 145.*

That Salmond be neither sent to, nor sold in England, but to Englishmen buying them in Scotland for English Gold. *Ibid. Cap. 146.*

That no Cattel be Sold to Englishmen in England, but for ready Gold and Silver, under the pain of Escheat, betwixt the King and the Warden. *Jam. 2. Par. 8. cap. 36.*

That no Man pass into England in time of War without leave, under pain of Treason. *Jam. 2. par. 12, cap. 50.*

That any Englishman coming into Scotland without Conduct, may be made Prisoner, and that no Man sit upon special Assurance of any Englishman, without leave of the King or Warden, under the pain of Treason, and that none Supply Bervick, Roxburgh under the same pain. *Ibid. Cap, 51 and 52.*

That no Englishman have Benefice in Scotland. *Jam. 3, Par, 1, Cap, 7.*

That no Man send or Sell Cattel, Victual, Fish or Salt, to England. *Jam. 5, Par, 4, cap. 20.* This Act made because of the Scarcity then in Scotland.

Scotsmen assured by Englishmen if warned to discharge the Assurance and Disobeying, get no Restitution of Goods Spulzied from them thereafter, by Scotsmen Un-assured. *Q. M. Par, 5, cap, 13.*

Scotsmen Spulzied by both Scots and English in Company, has gude Action of Restitution against the Scotsmen. *Ibid. cap, 14.*

An Assured Scotsman Riding with the English Army, may be Pursued for all the Skaith done to Scotsmen Un-assured. *Ibid. cap, 15.*

That Woel, Skins, Hides, or other Staple Gudes Customable be not carried to England, under the pain of the Escheat thereof, or of the value; And the Transgressour to be punished in his Person. *Q. M. Par, 6, cap, 54.*

That no Scotsman Marry an Englishwoman in the Opposite Marches, without the Kings Licence, under the Great Seal, under the pain of Death, and Escheat of Moveables. *Jam. 6, par, 11, cap, 104.*

That the Wardens put in Bill, all Englishmen Occupying Possessions in Scotland against the Treaties, and seek Redress thereof. *Ibid. cap, 105.*

All English Cloath, or other Wares and Merchandice of Wool forbidden to be Imported for Sale, under the pain of Escheat thereof, and of the whole other Gudes of the Importers. *Jam. 6, par, 15, cap, 252.*

That all Gudes passand by Land, to or from England, pass by the ways of Bervick or Carlisle allenarly, and with Certificats from the Customers of Scotland, and England as Effectrs under pain of Confiscation of the Gudes. *Jam. 6, Par, 18, cap, 6.*

Commission anent the Union of the two Kingdoms. *Jam. 6, Par, 17, cap, 1.*

Act anent the Union of the two Realms marked Act 2, of the Index of the not Imprinted Acts. *Jam. 6, Par, 19.*

That Persons committing any offence in *England*, declared by the Law of *Scotland*, to be petty Treason, Murder, Man-slaughter, Felonies, Burning of Houses and Corn, Burglary, Robbing of Houses by day, Robbery, Theft, or Rape, and fleeing into *Scotland*, and there taken may be remanded by the Judge Ordinary after Examination of the Fact, to be tryed, and punished in *England* providing alwayes, that in the first Parliament held in *England*, after the date of this Act, (Twenty third of October 1612) the like Act be made in favours of *Scotland*, *Jam. 6. Par. 21, cap. 2.*

A high Imposition on all Guides Imported from *England*, or of the growth and Manufacture of *England*, Imported from any other place, at the rate set down, particularly in the Act, and of 80 per cent. of all others omitted, and that the Customers give Oath and Bond, with other strict orders thereanent, *Cha. 2, Par. 1, Sess. 3, cap. 13.* This Act was made, because of some restraints the *English* had laid on *Scots* Commodities.

Erection, *see Kirks.*

Errour, *see Summonds of Errour, and Prescription.*

Escheat Simple, and Liferent, *see Creditor, and Horning.*

That the Horning be Execute before the Escheat be disposed, otherwayes the Gift is null, and that no Gift bear, (or when it shall happen the Offender to be denounced) *Jam. 6, Par. 1, cap. 25.*

Letters of Horning duely Execute being presented to the Thesaurer, Letters shall be raised at his instance direct to the Sheriff of the Shire, or Messengers for uptaking of the Rebels Escheat, and the party to be payed of his Debt, and Expence out of the first and readiest. *Item,* If the Messenger be detorced, that Letters be direct by the Lords deliverance to the Sheriff or others well affected to His Majesties Service, and see the former Letters execute really, and with effect, and they are priviledged, as these are that pursue the Kings Rebels, *Jam. 6, Par. 6, cap. 75.* The Act is, for punishment of Persons, &c.

That all Intromitters with Escheats simple, or Liferent, Donatry, Assigneys, or others, be holden to pay the Debt in the Horning, whereon the Escheat fell; And that Letters be summarly direct against them for that effect, *Jam. 6, Par. 12, Cap. 143.*

The Thesaurer is bound to dispoone Escheats to the behoof of the parties offended, or otherwayes to Responsal Men upon good Caution for his Relief of the Debt, And if the Donator be found not responsal, the Gift is declared null, *Ibid, Cap. 145,* And that the Creditor cannot be prejudged by any Deed of the Rebel, or by any Gift or Right of his Escheat, given or taken to his behoof, *See the Act in Creditor, and in Rebel.*

Gifts of Escheat and Liferent, granted to the Bairns, or Conjunct persons of these, who being suspected of Papistry, have been Excommunicat, and have retained possession of their Lands and Gnides are declared null, notwithstanding of any Decreet following thereupon, and whatever might have been the cause of the falling of the said Escheat, *Jam. 6, par. 14, cap. 197.*

Liferent Tacks of Lands and Teinds, fall not under simple Escheat, but the Liferent Escheat only: And if the Tacks contain more Liferent, the Rebels Liferent Escheat prejudices only the Rebel, but not his Heirs or Assignes, after his decease, *Jam. 6, par. 22, cap. 15.*

Essouzie, or Excuse.

The Essouzeour must shew his Power, and find Caution to prove; And that no Essouzies be admitted, but such as the Law allowes: Or if a Poor Man fall sick, two Leill Men his neighbours, or his Paroch-Priest shall swear it, and it shall be admitted, *Jam. 1, Par. 9, cap. 114.*

Exception.

That Exceptions Lawful be admitted, and frivolous, or fraudulent repelled; And that Pleys be not wrongously prolonged, *Jam. 1, Par. 3, cap. 55.*

Who propones within Burgh, an Exception proponed before, to the delay of the Party, whether Procurator or Party proponer should pay 20 shillings to the Poor, *Jam. 6, Par. 6, cap. 91.*

Exchange, Bills thereof.

That Forreign Bills, or Letters of Exchange from, or to this Realm, in case of Non-acceptance, or not payment, be Registrable, with the Protests against the Drawer, or Acceptor, within six Moneths after the date of the Bill, or day of payment Respective, that Execution on six days may pass thereon, as on Registrare Bonds, and that Sums contained in the said Bills in the cases foresaid bear Annualrent after the said respective dayes, but after six Moneths they cannot be Registrare, but must be pursued by way of ordinary Action: As also reserving to pursue for Exchange (if not in the Bill) Re-Exchange, Damage, Interest, and Expences as accords, *Cha. 2, Par. 3, cap. 20.* And this extended to Inland Bills and Precepts, *W. par. 1. Sess. 6. cap. 36.*

Exchequer.

That all Sheriffs Stewarts, Chamberlains Customers, and others Intromitters, with the Kings Rents compear at every Exchequer, and make their Accmpts, and full payment *Æque* with the Rolls, And that they also make Compt and payment of Casualties, under the pain of Imprisonment, *Jam. 5, Par. 7. cap.*

95. Declared be sundry Ordinances of Council, that the Kings Compositors should not deny his Confirmation upon the reasonable Expence of the party, and upon his perill, *Jam. 6, par. 5, cap. 66.*

66. The Act is anent double confirmation of Fews, &c. See Confirmation.

That the Exchequer for the Kings Rents begin the first of *July*, and end the last of *August*, That all lyable in Compt be warned by Precepts, under the pain of Forty Pounds to the Failzier, and be charged at all times to the end of the Exchequer, to compear, and in case of disobedience be denounced; And this denunciation at the Mercat Cross of *Edinburgh*, and Registration in the Thesaurers Books, or Sheriffs Books of *Edinburgh* is declared to be as good, as if made at the Cross of the head Burgh of the Shire, and in the Sheriffs Books, where the person lives, That for matters betwixt party and party, the Exchequer sit every Thursday Afternoon, dureing the Session, or at other times, when the King pleases. *Ja. 6, par. 11, cap. 63.* Ratified. *Char. 2, P. 1, Sess. 3, cap. 15.*

That no Precept or Discharge of the Property be allowed in Exchequer, except it be subscribed and accepted by the Comptroller: And that acquittances be produced upon Compt, and nothing allowed *periculo computantis*, either in the Comptrollers, *Jam. 6, Par. 11, cap. 68*, or Thesaurer Accompt *Ibid. cap. 78.* That the Thesaurer exceed not 20000 Pounds in a Year in his Discharge, otherwayes no Supersedere to be granted for Super-Expence. *Item*, That Inferior Accompts, that should enter in the Thesaurers be first heard. *Item*, That no Infestment be past, except presented by the Thesaurer, that Composition may be payed to him, *Ibid. cap. 78.* The Exchequer impowred and declared to be proper Judges, to cognosce and decide in all Causes concerning His Majesties Property, and the Annuity of Teinds, and that they direct Letters on their Decrees on a simple Charge of Ten Dayes on this side, and on Twenty Days by North Dee allenarly, *Cha. 1, par. 1, cap. 18.* But for Explanation of this Act, It is declared that the validity, or invalidity of Infestments of the Property, or of any other may not be discussed and decided in Exchequer, but is only proper for the Lords of Session. *Char. 2, par. 1, Sess. 1, cap. 59.*

Infestments, Gifts, and Others past in Exchequer, in the Year One Thousand Six Hundred and Forty Nine and Fifty, albeit the Authority of these Meerings be declared Null, are appointed to stand Valid except new Gifts, and other Gifts to his Majesties Prejudice, and such as upon Complaint to the Exchequer, shall be found Unjustly Granted, in prejudice of Prior Gifts ueder his Majesties hand, though not passed in Exchequer. *Cha. 2, par. 1, Sess. 1, cap. 9.* The Act is, Act approving the Engagement 1648, &c.

The Gifts and Proceedings of the Commissioners of Exchequer under the *English* Usurpers Ratified, Excepting new Gifts, Gifts of Bastardy and *ultimus heres*, not of new past in Exchequer; As also Gifts and Confirmations past in prejudice of these who had former Rights from his Majesty, or his Royal Father: And
Ge;

Generally, providing that all these Gifts and Proceedings, may upon Complaint be Revived by his Majesties Exchequer. *Cha. 2, Par. 1, Sess. 1, cap. 12.* The Act is, concerning the Judicial Proceedings &c.

Act Regulating the proceedings and matters of Exchequer. *Cha. 2, par. 2, Sess. 3, cap. 16.* concerning the Exchequer. The Act is concerning the Regulation &c.

Excise, see Annuity.

Act, Imposing the Excise for raising His Majesties Annuity of Fourty Thousand pounds Sterling, viz. Eight Thousand pounds Sterling thereof, by an Excise upon the Inland Salt, and Forreign Commodities specified in the Act and the other 3200 pounds Sterling, by an Excise of two Marks on the Boll of Malt, Brewed and Sold in the Kingdom; which Sum is proportioned upon the Shires and Burghs, and what shall be Inlaking in their Excise, to be Supplied by the Heretors by way of Cess: And that the Commissioners in every Shire and Burgh, uplift and be lyable for the saids Proportions, in manner as in the Act. *Cha. 2, Par. 1, Sess. 1, cap. 14.* But the Proportiones here set down are again Ratified. *Ibid. Sess. 3, cap. 25.*

Act, Regulating the payment of the Excise, as to the Importer and Retailer, and containing several Rules and Provisions thereanent; specially that the Excise be payed according to the Book of Rates for the Customs: And if there be any Exciseable Goods not there set down, that they pay at the Rate of Five per cent. That the Merchant not paying the Excise, he, and all Accessory to his Concealing or Abstracting, may be pursued upon Oath, or any other Probation, providing it be within Three Moneths of the Imbazleing, and the Delinquent Convict, may be Imprisoned for Twenty Four Hours, and until he pay the full value of the Goods Imbazled; And shall be further Fineable by the Exchequer: As also Goods not duly entered, and sealed, shall be Confiscat, and their Owners Imprisoned and Fined as said is, and the same statute as to the not paying of the Customs, *Cha. 2, par. 2, Sess. 1, cap. 11.*

Act Declaring, That if Three Quarters payment of the Annuity of Excise in the Shires of Ross, Sutherland, Caithness, Argyle, Inverness, and Burghs thereof, shall run in the Fourth unpaid, Then the Shire, Burgh, or Person Deficient, to be lyable in the double of the whole Years Annuity *toties quoties*, but prejudice of the Obligement for single payment of the Commissioners of the saids Shires, conform to the Act, *Cha. 2, par. 1, Sess. 1, cap. 14, above, Char. 2, par. 2, Sess. 1, cap. 20.*

All Salt made in this Kingdom Exempted from Excise, and Fourty Shillings per Boll Imposed on Forreign Salt, *Cha. 2, par. 2, Sess. 4, cap. 1.* See the Act in Salt.

Excise of Brandy Six shillings per Pint, to be payed by the Retailer, and the Excise of Mum-beir, Thirty shillings per Barrel, the Barrel not exceeding Twelve Gallons, and both appointed to be

be applyed for the Relief of the Excise of Shires and Burghs, *Ibid.* cap. 2.

And the Retailer lyable in the Excise of Brandy, to be declared to be Tapper, who sells Brandy by Pints and lesser Quantities in Taverns, Shops, Cellars and the like, where it is immediatly consumed, *W. and M. par. 1, Sess. 5, Cap. 21.*

That the Quarterings for the Excise, be Regulate, according to the Rules set down, for Quartering for the Cess in the Act, *Cha. 2, par. 3, Cap. 3.* The Act is, Act for a Voluntary Offer, &c.

The Excise on Forreign Commodities, and of Two Merks on the Boll of Malt, and Three shillings on every Pint of Aquavity not made of Malt, Brewed and Sold within the Kingdom, Established Act, *Cha. 2, Par. 1, Sess. 1, cap. 14.* Above continued for Five Years after his present Majesties Decease, but then neither the Commissioners, Heretors, nor Land-Rent of the Shires, are to be lyable for it, but only the Brewars, Vintners, and Tapsters, *Cha. 2, par. 3, Cap. 8.*

And this Excise as given by the Act, *Cha. 2, par. 1, cap. 14,* And ordered to be Collected by the Act, *Cha. 2, par. 3, cap. 8,* Given to the King and his Successors, and Annexed to the Crown forever, *Jam. 7, par. 1, cap. 2.*

Act for an Additional Excise of Three Pennies on the Pint, for Twenty Three Moneths after the first of *June* 1693, *W. and M. par. 1, Sess. 4, cap.* And this to be understood of all Vended after the first of *June*, whether Brewed before that time or after, or within or without the Kingdom, excepting Mum-beir, *cap. 16, Ibid.*

Act for an Additional Excise of Two Pennies per Pint, for a Year after the first of *September* 1695. *Item,* Turning the Annexed Excise of Two Merks on the Boll of Malt to Three Pennies on the Pint, as in the Act, *Sess. 5, cap. 28; Ibid.* And this Additional Excise continued for Three Moneths longer to the first of *March* 1697, *cap. 29, Ibid.*

Act for an Additional Excise of one penny per Pint from the first of *March* 1697, to the first of *March* 1698, and of Three Pennies per Pint, from the first of *March* 1698, to the first of *March* 1699, making with the Annexed Excise Four Pennies the first Year, and Six Pennies the second Year, and Ships Beir is here declared tree; And this Exception, and all others granted by Law, appointed to be expressed in the Tacks, in manner set down in the Act, *Sess. 6, cap. 2, Ibid.* Where the Act above designing the Retailer is better Explained, *viz,* Of such as Sell by Retail, what is immediatly consumed in their Shops, or who sell out in Pints and lesser Measures.

The Annexed Excise of Six shillings per Pint in Brandy, to be payed by the Retailer, changed to Two shillings the Pint, to be payed by the Importer with his Majesties Custom, and that for the space of Five Years after the first of *March* 1699, or longer in his Majesties Option, *Sess. 7, Cap. 25.*

Excommunication, *see* Curfing

Persons Excommunicat after 40 Days, may be charged by Letters of Four Forms, at the instance of the Party, the Kings Advocat, or the Procurator of the Kirk, to satisfy the Sentence, and Reconcile themselves to the Kirk; And if they Failzie, are to be Denounced, and Caption and other Executorials to pass against them, *Jam. 6, par. 3, Cap. 53.*

Person Excommunicat entering the Kirk, the time of the Ministration of the Sacrament, or Common Prayers, should be charged in God, and the Kings Name to Remove, and if he refuse, the Minister after the Service, may cause Apprehend and Waird him, until he find Caution at the Ministers and Elders sight, to Reconcile himself to the Kirk, and make Amends for the Offence: And if he Deforce any in the Execution of the Premisses, That his Moveables be Escheat, and his Person in the Kings Will, *Jam. 6, Par. 11, Cap. 27, The Act is, Punishment of Troublers of the Kirk, &c.*

That no Persons Excommunicat for not Conforming to the Religion presently Professed, directly, or indirectly, Possess their Estates; but that the same be medled with to his Majesties use, *Jam. 6, Par. 20, cap. 3.*

That the Bishops give up to the Thesaurer and Director of the Chancellary Yearly, a Roll Subscribed with their hands, of all Excommunicat for Religion within their Diocess; And that the Thesaurer receive no Resignation, nor grant Infeittments, nor the Director direct Brieves nor Precepts, nor receive Retours in their Favours, until their Relaxation be Certified by the Bishop, and all Lords of Regality, and other Superiours, may refuse to grant Brieves, or Precepts of *clare constat*, or Charters on Appryfings to the saids Persons, *Ibid, cap. 4.*

Ratification of all the Acts of Parliament or Council preceeding the Year 1640, against Excommunicat Persons; And that Forty Days after Sentence Letters be direct by the Lords of Privy Council or Session at the instance of the Kings Advocat, for Denouncing them Rebels: And that the same being done at the Cross of *Edinburgh*, and Pear and Shoar of *Leith*, shall be sufficient for Caption and Escheat, providing that the Process of Excommunication, be first Exhibite to the Lords of Session, in Session time, to consider the same, *Cha. 2, Par. 1, Sess. 1, cap. 25.* But this *Proviso* is Rescinded, *Cha. 2, Par. 2, Sess. 3, cap. 23.* But both these Acts Rescinded, with all other Acts of the same Import, with all Acts enjoining Civil Pains upon Sentences of Excommunication, *W. and M. Par. 1, Sess. 2, cap. 18.*

Executions, or Indorsations, *see* Summons.

Executions of the Kings Brieves or Letters should be Sealed or Stamped by the Officiar of Fee, or in that part before Witnesses, otherways make no Faith, *Jam. 3, Par. 5, Cap. 33.*

That

That all Executions or Indorsations be Stamped, otherwayes make no Faith, and the Executor to be deprived, *Jam. 5, Par. 6, Cap. 74.*

That all Copies of Summons or Letters derived to any Party, be Subscribed by the Officiar Executor thereof. *Jam. 6, Par. 12. Cap. 139.*

That Executions at Dwelling places where the Persons cannot be Personally Apprehended, be made at the principal Dwelling where the Party actually Resides: And if the Officiar get Entry, that he shew his Letters, and leave a Copy, or Affix it on the Gate: And if he get no Entry after six knocks, that he Affix a Copy on the Gate, and all before Famous Witnesses, and the Execution to make mention of this Order: And if the Officiar fail, that he be Imprisoned, and Punished at Will, *Jam. 5, Par. 6, cap. 75.*

Item, That in Criminal Letters, the Copy be delivered to the Party Personally, if he can be apprehended, or otherwayes be delivered to his Wife or Servant, or Affixed on the Gate of his Dwelling House, and thereafter open Proclamation to be made, and a Copy Affixed on the Cross of the Head Burgh of the Shire, *Item,* If there be more than two in the Letters, all called for one Crime, this order used to two of the Principals, shall be sufficient as to the rest, *Q. M. Par. 6, Cap. 33.*

That all Executions and Warnings in the Kings Causes against Isles-men, Highland-men, or Borderers in the broken Countreys, *ubi non patet tutus accessus*, be made at the Mercat Crosses of the Head Burghs of the next Shire in the Low-lands, *Jam. 6, Par. 11, cap. 66.*

That all Criminal Letters, Letters of Law-burrows, or others importing Tinsel of Life or Goods, be Execute upon all persons contained therein, personally, or at their Dwelling places, and by open Proclamation at the Mercat Crosses of the Head Burghs of the Shires, where they Dwel, betwixt Eight and Twelve in the Forenoon in open time of Day, before Famous Witnesses specially designed; And that Copies containing the whole Names be Affixed on the Gates of the Dwelling-Houses, and Mercat Crosses, under the pain of 200 *Merks*, *Ibid, Cap, 85,* The Act is, Letters of Law-Burrows should not be granted, &c, But in the end thereof comprehends all Criminal Letters, and others, &c.

That Charges of Treason be Execute by Heraulds and Pursuivants, in their Coats, or by Macers, as of before, Declaring all Executions, under the pain of Treason, otherwayes Execute to be null, *Jam. 6, Par. 12, cap. 172.*

That all Executions of Summons bear expressly the Names of the parties Pursuers and Defenders, and that it shall not be sufficient to relate generally to the Summons, else they shall not be sustained, *Cha. 2, Par. 2, Sess. 3, cap. 6.*

That the Witnesses in all Executions of Inhibitions and Interdicti-
ons, Hornings, or Arrestments, or for Interruption of Prescrip-
tion in real Rights be designed in the Body of the Execution; And
also subscribing thereto, *Cha. 2, Par. 3, Cap. 5, See the Act in
Witness.*

That all Executions of Citations in use to be in Writ, and all Executions of Hornings, Inhibitions or others be subscribed by the Executor and the Witnesses, otherwayes to be null, and no necessity for hereafter, that Executions be stamped, *Jam. 7, Par. 1, Sess. 2, cap. 4.*

Executors, *see* Moveables, and Testament.

A Sum secured by the Act to the Liferenter upon Land, yet declared payable to her Executor. *Q. M. Par, 4, cap. 10.* at the end. The Act is, The Act made anent the Annuals of Lands burnt &c.

Executors Strangers nominate, are obliged to make Compt and Payment to the Defuncts Wife, Bairns and nearest of Kin, Reserving only to them the third of the Defuncts part, after deduction of Debts, in which third, any Legacy left to them, to be computed, without prejudice to them of their Legacies, if they exceed the said Third. *Jam. 6, Par. 22, cap. 14.*

Expences.

He that tines the Action before the Lords of Council should pay the Winners Expences, at the Lords modification, and Forty Shillings to be disposed upon by the Chancellour. *Jam. 3, par, 6. cap, 50.*

The Expences of Pley to be insert in the Decreet, Condemnator, or Absolvitor. *Q. M. Par, 7, cap, 64.*

Who tines the Pley within Burgh, pays the Parties Expences, and Twelve pennies per pound to the Poor. *Jam. 6, Par, 6 cap, 91.* See it in Burgh.

That the Tiner of the Pley pay the other Expences, at the Judges Modification. *Jam. 6, Par, 11, cap, 43.*

That the Dammage, Interest, and Expences of Pley made and sustained by the Parties, be admitted and liquidat by the Decreet, whether Absolvitor, or Condemnator, before all Judges, especially where the Writ, the ground of the Action, or the Summonds bears it. *Jam. 6, Par, 12, cap, 142.*

F.

Factor, *see* Merchant.

That no Merchant imploy an Alien as Factor beyond Seas, on the account of Scots Merchants, under such pecuniary pains, as the Council of Trade shall impose, half to the King, half to the

Informer and Pursuer. *Cha. 2, Par, 1, Sess. 1, cap, 44.* The Act is, Act for encouraging of Shipping and Navigation.

Fairs.

At Fairs the Sheriff should only have the best Ox, or Cow, or unriden Horse stalled and brought to sell, and of great Stalls, or covered Creams, he may take a distress, but he should deliver it again at the Court of the Fair, if the person hath done no default, and that no distress be taken hereafter of Goods of little quantity or price, brought on Mens heads or backs. *Jam. 2, Par, 13, cap. 59.*

That in Fairs, Parliament times, or General Councils, great Constables or Castles-Sheriffs, or Baillies of Burghs use no Extortion, by taking from poor Folks for Loads or Burdens, what they call their Fees, under the pain to be punished at the Kings Will, and deprived for a Year. *Jam. 3, Par, 5, cap, 34.*

That no Fairs be holden on Holy Days, but on the Morn after. *Ibid. cap, 14.*

Falkland-Wood.

Falkland Wood ordained to be cut and hained, as being found by an Assise to be old, and failed. *Q. M. par. 6, cap. 48.* The Low-monds of *Falkland*, See *Annexed Property.*

Falsehood, see Cunzie.

That False Nottars and Witnesses, or who inducesthem there-to, or uses false Instruments wittingly, be punished with all rigour according to the Disposition of the common Law. *Jam. 5, par 6, cap. 80.*

This Act extended to all manner of Evidents and Writings, and the Makers, Feinziers, Users, Seducers, Corrupters and Falsers thereof, and the pain declared to be proscription, Banishment, dismembring of the Hand or Tongue, and other pains of the Canon and Civil Law, or Statues of the Realm. *Q. M, par. 5, cap: 22.*

That False Witnesses, and their Inducers be punished by piercing their Tongues, Escheat of Moveables and Infamy, and farther at the Judges Discretion. *Q. M. Par. 6, cap. 46.*

That Makers, or Users of false Writs, or accessory to the making thereof, be punished with the pains of Falsehood, and the Counterfitter, Falsifier, or accessory cannot by passing from the Writ quarrelled, free himself of the punishment. *Ja. 6, par. 23 cap. 22.*

Fasts.

Act for a Monthly Fast, beginning the third Thursday of May 1693, and so to continue monthly, till discharged by the Privy Council.

Council. *W. and M. Par. 1, Sess. 4, cap. 1.* It is discharged.

Act for a Solemn Fast to be kept the second Thursday of June 1695. *W. Par. 1. Sess. 5. cap. 1.*

Act for a National Fast the second Thursday of July 1702. *2 Ann Par. 1. cap. 5, Anno 1702.*

Fee.

The Sheriff-Fee appointed to be Twelve Pennies of the Pound. *Jam. 4. Par. 3. cap. 30.* The Act is, of the Defenders not comparand &c. See it in *Sheriff, Coaliers, and Servants Fees, See Coaliers, and Justices of Peace.*

Feedes, see Peace.

Deadly Feede no just pretence, to excuse from not Communicating. *Ja. 6. Par. 16, Cap. 17.*

Act and order for extinguishing deadly Feedes; And for preservation thereof in time coming, that the Pursuer do not invade, or bear Feede against any Friend of the Defender innocent, and not accused, under the pain of Tinsel of his Action; Reserving the same still to the King: And the Friend of the Party guilty convict, or Fugitive, may not bear quarrel therefore, or reset him, under the pains, against the reset of Rebels, And the Estates of Parliament Swear to observe the Articles in the Act, and the King Solemnly Promises, to grant no Respite, or Remission for odious Crimes, untill these inveterat Feedes be rooted out. *Jam. 6, Par. 16, cap. 22. Ratified, Jam. 6, Par. 20. cap. 7.* The Act is, anent the Commissioners and Justices of Peace.

Ferriers.

That all Boatmen and Ferriers have Treene Bridges for receiving Horse, under the pain of 40 Shillings each Boar. *Jam. 1, Par. 3, cap. 59.*

That all Ferriers on every side of the Firth, make Bridges, and ports in their Boats for easy shipping of Horse, under pain of Confiscation of their Boats. *Jam. 3, Par. 3, cap. 20.*

The statute, and also the quantity of Fraught appointed to be payed at *Kinghorn, Queensferry, and Parten-Craig*, And that Horse or Beasts payand Fraught, make the persons and Burdens free. *Jam. 3, Par. 7, cap. 62.*

That Ferriers take no more Fraught, nor is statute under the pain of five Pounds Scots to the King, And to Asyth the Party. *Jam. 3, Par. 10, cap. 75. Ratified, Jam. 3, Par. 13, cap. 95.* with an Augmentation of the pains.

Fraught appointed for Ferriers at *Kinghorn, Queensferry and Dundee*, and that they observe the same, under the pain of Death. *2. M. Par. 5. cap. 21.*

The Fraught of *Kinghorn* for Man and Horse, appointed by King James 3, Anno 1474, was six Pennies, and for the Man two pennies,

nies, but is higher *Anno* 1551, for Horse and Man Twelve pennies, and for the Man six pennies. *2. M. Par. 5, cap. 21. See Wayes.*

Few, and Few-Ferm, *see* Few, *cum* Maritagio in Waird.

That the King, Prelates, Barons, and Free-Holders, may set their Lands in Few, and the Land Wairding to the King, the King shall only have the Few-Duty, so that the Set be made a competent Value. *Jam. 2. Par. 14. cap. 71.*

That all Men, Spiritual or Temporal, may set their Lands in Few without diminution of the Rental, and it shall be no ground of Recognition. *Jam. 4. Par. 6. cap. 91.*

The Act, *Jam. 2.* Explained, and Declared not to extend to the Vassals of any Earl, Baron, or Free-Holder, holding their Lands Waird of their saids Superiors, for whom it is statute not to be leisom to them to set their Lands in Few, without the Consent or Confirmation of their Superiours, and any Alienation otherways made, is declared Null by way of Action or Exceptions. *Jam. 6, Par. 18, Cap. 12.*

And this Explanation and Statute extended to the King and Prince, and Vassals holding Waird of them, and all former Acts that may any ways derogate to this Act, are Rescinded, *Cha. 1. Par. 1. Cap. 16.*

That all Fewers not pay and their Duty by the space of two Years haill and rogetier, amit and tine their Fewes, as if there were a Clause irritant in their Rights, *Jam. 6. Par. 15. Cap. 246.*

Fines, *see* Forefaultures.

Discharge of Fines, *W. and M. Par. 1. Sess. 2, cap. 18,* in Forefaultures.

The Repetition of all Fines Rescinded by the Act, *W. and M. Par. 1. Sess. 2, cap. 18,* from Donators, or other private Parties, may be pursued before the Lords of Session, summarly with Rent from *Martinmas* 1688, notwithstanding the Remit contained in the said Act, *W. and M. Par. 1, Sess. 5, cap. 25.*

Fire.

That to prevent Fire, no Hemp, Linc, Straw, Hay, Hadder, or Broom, be put near, or above the Fire in Houses within Town, and that the Officers within Town, make Trial every Moneth, under the pain of 40 Shillings to the King, *Jam. 1, Par. 4, cap. 71.*

The Seller of Hay and Fodder, come not to their Hay-Houses, without a Lantern under the same pain, *Ibidem, cap. 72.*

That the Ladders, Sayes, and Cleiks of Iron be appointed, and kept in Towns for Fire under the same Pain, *Ibidem, cap. 73.*

That after the Fire hath happened, the Magistrates enquire into the Cause, and if it be found in purpose Deeds, that Forefaulture be the Punition: and if throw neglect, then if a Servant, he shall be punished in his Goods; and Person, if he have no Goods, and Banished for three or seven Years, If a Man, his Wife, or Bairns, in his own House, or if of a Mailler, both shall repair the Skaith of others, and be Banished three Years; If of a Stranger, he shall repair the Skaith, or abide in Prison at the Kings Will. If the Fire happen throw chance, it is Unpunished. If the Magistrates neglect the Execution of this Act, That they pay Ten Pounds to the King: That Fire be not fetched from House to House, but in a covered Vessel, And if Fire happen in Town of a Barony, that their Lords punish it as above, *Ibidem, cap. 75.*

That Burning of Folk in their Houses, and all burning of Houses, and Corn, and wilful Fire raising be Treason, and lese Majesty, *Jam. 5. Par. 1, Cap. 8.*

That Fire Raisers be put under Sovertie of the Law, as in the Crimes of Slaughter, and Mutilation, and that there be no remission given to them that Burns Corns in Stacks, or Barns, but that they be punished to Death, or else Banished, *Jam. 5, Par. 7, cap. 118.* But it is again Statute that burning of Folk in their Houses, and Corns, and wilful Fire raising be Treason, and lese Majesty *Jam. 6. Par. 1, cap. 33.*

Wilful Firing of Coal-Heughs is also Treason, *Jam 6. Par. 12, Cap. 146. See Treason.*

Fish, and Fishing, see Salmond and Game.

That for Fishing, certain Lords Spiritual and Temporal, and Burrows, make Ships, Bushes, and Boats, with Nets, and other Pertinents, *Jam 3, Par, 6, cap. 49.*

That Ships and Bushes, with all their Pertinents for Fishing, be made in each Burgh, in number according to the substance of the Burgh, and the least of them to be of Twenty Tunn, and that all idle Men be compelled by the Sheriffs in the Countrey, and by Bailies in Burgh, to pass therein for their Wages, under the pain of Banishment out of their Bounds, And that the Sheriff or Officiar in Burgh negligent, pay Twenty Pounds to the King, *Jam. 4, Par. 4. cap. 49. Ratified, Ibid, cap, 52.*

The times of Mercat appointed for Fish, and that no White Fish be sent out of the Realm, but that Strangers may come and buy them. *Item, Where any Person hath Fish, packed or peiled, that they be ready to sell the same for the Service of the Leidges, under the pain of Confiscation of the Fish, Jam. 5, Par. 7. cap. 98.*

That the Barrels of Fish be burnt and marked, *Ibid. cap. 109.*

That the Herring and White-Fish Barrel, contain nine Gallons of the Sterling pynt, *Jam. 6. Par. 4, cap. 57, See it in Salmond.*

That all Fishers of Herring, or White-Fish upon the Coasts, or within the Isles, or Firths, bring the same to free Ports, that the Leidges

Leidges may be first served, and the rest bought, Salted and Transported by Free-men, under the pain of Tinsel of the Vessels, and haill other Moveables of the Contraveeners, *Ibid. cap. 60.*

Ratified, and all Judges ordinary Impowered for Executing thereof within their Bounds, *Jam. 6, Par. 6, cap. 86.*

That there be a Just Standard for Herring or White-Fish, kept at *Edinburgh*, and Staples are appointed for the said Herring and White-Fish, and that no Fishers sell their Herring to Strangers or Unfree-men, or transport them to other Countries under pain of Escheat of their Moveables, *Jam. 6, Par. 8, cap. 141.*

But the Staple of Herring and White-Fish slain on either side of *Forth*, appointed to be in *Leith*, or *Carrail*, by the said Act is Discharged, and full Liberty allowed to the Free-Burrows on either side of the Water, *Jam. 6, Par. 10, cap. 14.*

That Caution be taken of Ships going to the North-Fishing, to return the Third part of their Loading of Herring or White-Fish within the Firth, or other Free-Burrows, under the pain of an Hundred Pounds, *Jam. 6, Par. 11, cap. 57.*

Act for Fishing, and Erecting of Companies for improving the Fishing of Herring, and White-Fish, setting down their Rules and Priviledges as in the Act, and that each Barrel of Green Fish contain Twelve Gallons, *Cha. 2. Par. 1. Sess. 1, cap. 39.*

Act Rescinding the Erection of the Royal Company of Fishing, and declaring the same to be Dissolved. *Item*, All are invited to the Trade of Fishing and Curing of Herring, with an assurance of all former Freedoms and Advantages, particularly that of Forreign Salt, for which the Exporters are to have from the Customers, for the behoof of the Curer who bought the Salt Ten Pound Four shillings for each Last of Herring or White-Fish Exported, and Twelve Pound for each Exported Last of Salmond, as by the Act, *Cha. 2. Par. 2, Sess. 1, cap. 12.* and Proclamation of 11 April 1581 thereupon, instead of the Exemption provided by the 1 Act Sess. 4. of that Parliament. *Item*, That the Exportation of Fish doth only belong to the Royal Burrows, conform to the 12 Act of this Session of Parliament, and the Council impowered for the farder improvement of Fishing, *W. and M. Par. 1, Sess. 2, cap. 34.*

Act anent the Loyal Curing, and packing of Herring and Salmond fish, containing particular Orders as to the Cask, Salt, Packing, Marking, &c. the Barrel for Exported Herring, to contain Eight Gallons, Two Pints, and for Exported Salmond Ten Gallons, *W. and M. Par. 1, Sess. 4, cap. 5, See the Act. Item*, The Exception of the Rights of Burghs Royal in this Act extended to Burghs of Regality and Barony, *Sess. 6, cap. 12, ibid.*

All Fishing with Pock-nets, or other Engines not allowed by Law, within the Water of *Forth* above the *Pow of Alloway*, to the prejudice of Salmond Fishing, discharged under a fine not exceeding Twenty Pounds, or Imprisonment to be inflicted by the Sheriff or Baillic of the said Water *toties quoties*, *Sess. 7, cap. 3, Ibid.*

Act for the Encouragement of White-Fishing and Herring-fishing, ordaining more strictly, how the Exporters should get payment of the Draw-back of Ten lib. Four shilling per Last, appointed

by

by the 34 Act, Sess. 2, of this Parliament, and upon what Probation and Documents. *see the Act. Item*, That all Materials for Bush-Fishing be free of all Custom and Excise at their Import, King W. Par. 1, Sess. 7, cap. 24.

Act Impowering all to take buy and Cure Herring and White-fish, at all Seas, Rivers and Waters of the Kingdom, and to have the free use of all Ports, Harbours, Shoars and others, upon payment of the Ordinary Dues where Harbours are, viz. such as are payed for Ships, Boats, and other Goods, Discharging all other Exactions, That Barrells for Fish be of the size appointed by the Act, W. and M. 4 Sess. Cap. 5, That all the Fish put in them be Pyned, Cured and Packed with Forreign Salt only; That no Salmond nor Fish foresaid be Transported, save by the Subjects of the Kingdom, and marked by the Maker and Exporter, as in the Act; And that none use anothers mark, And all Sheriffs, Baillies of Regalities, and Magistrates of Burghs are to visit the Curing and Packing the Herring and White-Fish in manner set down in the Act. *Item*, the Exporter of every Last of Herring or White-Fish is allowed a Reward of Ten Pounds Four shillings Scots the Last, but for Herring taken in Bushes and Exported, the Reward is Eighteen Pound, and for Red Herring Twenty Four Pound to be payed to the Exporter, either by the next Collector of the Customs, or by way of Retention, and Draw-back in his own hands, as by the Act, King W. Par. 1, Sess. 7, cap. 24, And the same Execution extended for the Draw-back on Salmond. *Item*, Forreigners imployed as Fishers, have the Priviledges of Natives during their Residence, *Item*, All Materials Imported for Fishing and Herring, and White-Fish Cured as above, and Exported to be free of all Duty, *Item*, All Acts ratified anent the slaying of Red Fish, Smolts, and fry of Salmond, with a Penalty against Judges negligent, conform to the Act, K. W. Par. 1, Sess. 6, cap. 33, *See it in Salmond: Q. Ann par. 1, Sess. 3, cap. 2. Anno 1705.*

Flesh.

That none carry Flesh out of the Realm, under the pain of Escheat of the whole Moveables of both Owner and Skipper, Q. M. Par. 6. cap. 40.

That for preventing this Transport, Ships be Victualled at the sight of the Magistrates, and Customers of the Burghs and free Ports where they lye, and if any more be found, that it be Confiscat, Jam. 6, Par. 5, cap. 67.

But Barrelled Flesh may be Exported by Sea, free of Custom, Bullion, or other Impositions for Nineteen Years, Cha. 2, Par. 1, Sess. 3, cap. 12, Anno 1663. The Acts is, for encouraging Tillage and Pasturage.

That it be Leisum to all Persons to sell and break all sorts of Flesh every law vii Day of the Week, and in all Burghs and Towns, free of any Imposition, save the petty Custom of the Burgh. Q. A. Par. 1. cap. 7. anno 1703.

Foot-Ball, and Golf.

That no Man play at the Foot-Ball, under the pain of Fifty *shilling* to the Lord of the Land, or to the Sheriff in his Neglect, *Jam. 1, Par. 1, Cap. 17.*

The Foot-Ball and Golf discharged, and that they are not to be used in time coming, *Jam. 2, Par. 14, Cap. 64, Jam. 3, Par. 6, cap. 45.* The Act is, the length of Spears, &c. and *Jam. 4, Par. 3, cap. 32.* And this last Act Appoints Men to use Shooting and Archery in place thereof, See it in Weapon-shawing.

Forbidden Goods to be Export- ed, see Wool.

Goods forbidden to be Transported, Linnen Cloath, Lint Seed, made Candle, all Tallow, eating Butter, Barked-Hides, or made Shoes, under the pain of Escheat of the Buyers and Transporters whole Moveables, *Jam. 6, Par. 4, Cap. 59.* See Bestial, Cattel, Coals, Flesh, Horse, Tallow, Wool, &c, in their own places.

Act Ratifying all Acts made against the Transporting of Forbidden Goods, *Jam. 6, Par. 9, Cap. 9.*

Calf-skins, Huddersons, and Kid-skins forbidden to be Transported, Packed and Peiled, under the pain of Confiscation thereof to the King, *Jam. 6, Par. 12, cap. 155.*

Ratified, and Extended to Schurling-skins under the same pain, and the Transporters to be farther punished in their Persons and Goods at the King's Will, *Jam. 6, Par. 13, Cap. 178.*

Ratified, And farther, that none Export Calf, Kid, Hudderon, or Schurling-skins, or any Goat, Hart, Buck, Deer, or other Wild Beasts Skins, under the pain of Confiscation, Reserving to the Exchequer to grant Licences, *Cha. 2, Par. 1, Sess. 1, cap. 45.*

That none Export, or Import Forbidden Goods, under the pain of Escheat, the forbidden Goods to be intrusted with by the Comptroller, the rest by the Thesaurer; and that all Licences not granted by the Council, and composed and past all the Seals be null, *Jam. 6, Par. 16, cap. 15.*

That none, Stranger, or other, Transport forth of the Countrey, Butter, Tallow, or other Forbidden Goods under the pain of Confiscation of the Ship, and the whole Goods the Owner of the Forbidden Goods hath therein, *Jam. 6, Par. 23, cap. 12.* The Act is, *ancient Packing and Peiling.*

That none Export Worsted, Woollen Yarn, Raw, or unwaxed Cloaths, or Stuffs made in Scotland (Plaiding excepted) broken Copper, Brass, or Peuter, under the pain of Confiscation, half to the King, half to the Apprehender or Pursuer, *Cha. 2, Par. 1, Sess. 1, cap. 46.*

All Lint of the Growth of the Kingdom, or any Linnen Yarn whatsoever forbidden to be Exported, under the pain of Confiscation thereof, and of all other Goods bound up in the same Pack

or Cask, half to the Informer, half to the Poor of the Paroch, and the Waiter accessory to be Deprived, and uncapable to be Reponed, *W. and M. Par. 1, Sess. 4, cap. 30.*

Forbidden to be Imported, *see* Wine.

Made Work forbidden to be Imported by Tradesmen, *Cha. 2, Par. 1, Sess. 1, cap. 47. See it in Made Work.*

That no Aquavite, strong Water, Mum-beir, or other Drinking-Beir (Black or Spruce-Beir excepted) be Imported, under pain of Escheat thereof, *Cha. 2, Par. 1, Sess. 3. cap. 7.*

But Brandy and Mum, or Bremer-Beir Licenced to be Imported, *Cha. 2, Par. 2, Sess. 4, cap. 2, See Brandy and Mum-beir.*

Great Prohibition of Import, *Cha. 2, Par. 3. cap. 12.* The Act is, for Encouraging of Trade and Manufacturies, *See the Act in Trade, See Licence.*

Act Discharging the Importing of all Forreign Manufacturie of Wool, or wherein any Wool is, from and after the date of this Act *31 January 1701*, excepting Flannel allenerly, and the Act prohibites also the Wearing, and is very particular and strict for destroying the Goods prohibite, and punishing the Contraveeners, and for doing what else may make its Execution effectual, *W. Par. 1, Sess. 9, cap. 8. See the Act.*

Act Discharging the Importation of all Stuffs, or other kind of Manufacture whatsoever, wherein any Cotton, Hair or Silk shall be found, with all manner or White Threed, Laces and Points of any kind, after the promulgation of this Act, excepting Musline, and plain black Silk-Stuffs, and Velvets for Womens Hoods and Scarfs only; As also, Velvets or other Silk Stuffs for States, Chairs of State, Pales, Mort-cloaths, Foot-Mantles and Robes of publick Offices now in use, with an exception also in Favours of the *African* Company, *see the Act* wherein the Pains and Manner of Execution are very strict and particularly set down, *cap. 12. Ibid.*

Act Discharging the Import of all *English, Irish, and Forreign* Butter and Chese, under the pain of Five Hundred Marks: As also, the using and consuming thereof within the Kingdom, under the pain of Fifty pounds, attour the Confiscation of the value, the third part to the Fiscal where the Trial is made, which may be in any Court, Excepting herefrom the Importation of *Irish* Butter for Export, as the said Export is here ordered and extended, also to the Export of what may be Confiscat, *2. Ann par. 1, Sess. 3, cap. 1, anno 1705.*

Forces.

Act against False-Musters, Free-Quarters, undue Payments, and other Abuses. *See the Act*, it is full and exact, *W. and M. par. 2. Sess. 4, Cap. 4.*

That no Officer exact Lodging, Coal and Candle, for themselves, their

their Wives and Children *gratis*, under the pain of breaking, nor Souldiers for their Wives and Children, under the pain of the Damage, to be payed by their Officers, and that under the pain to them of Three Moneths Pay, *Ses. 5, Cap. 33, Renewed, Ses. 6, cap. 23, Ibid.*

Fore-Staller, and Regrator.

That Fore-Stallers buying Victual, Flesh, and other Stuff, before it be presented to the Mercat, or in the Mercat, before Lawful time of Day, be punished by Imprisonment, and Escheating of the Goods Bought or Arled, two Thirds to the King, the Third to the Discoverer, *Jam. 5, Par. 4, cap. 21, and Jam. 5, par. 7, cap. 98.*

That Magistrates of Burghs, and none other punish Fore-Stallers within the same, *Jam. 5, Par. 7, cap. 113.* And all these Acts Ratified, and the saids Magistrates constitute his Highness Justices for the effect foresaid, *Jam. 6, Par. 6, cap. 88.*

Who Buies any Merchandise or Victual coming to Fair or Mercat, by Land or Water, or makes any Bargain about it, before it be in the Mercat-place, Burgh, Fort, or Road ready to be Sold, or who makes any motion by Word or Writ, for raising of Prices, or Disswading the bringing of any thing to the Mercat, he is a Fore-Staller: And who gets any Corn, Flesh, Fish, or other Vivers, in any Fair or Mercat, and Sells it again in any Fair or Mercat in the same place, or Four Miles about it, or who Buies or Bargains for Growing Corns, he is a Regrator; And the Thesaurer, Kings Advocat, as well as the Magistrates of Burrows may pursue such, and that without a special Lybel, but only upon Fore-Stalling in General, and the pains for the first Fault 40 pounds, for the second an Hundred Merks, and for the Third Tinsel of Moveables, *Jam. 6, Par. 12, cap. 148.*

Fore-thought Fellony.

That all Judges and Officiars, whom it effeirs, upon Complaint, enquire diligently, if the Deed was done on Fore-thought-Fellony, or throw Chaud-mella: And if on Fore-thought Fellony, that the Party hurt be Assythed, and the Life and Goods of the Trespassour in the Kings Will: And that the Trespassour be incontinent Imprisoned, but if the Deed was done throw Chaud-mella, it is to be followed after the course of the old Laws, *Jam. 1, Par. 3, cap. 51.*

If any Man Bargain (that is, Quarrels) either in Burgh or Land, that whether plaint be made or not, both Parties be Arrested, and the same or next Lawful Day, Inquisition be made by an Assise, whether it be Fore-thought Fellony or suddenly done; And if suddenly done, that they be demained as the Law treats of before, and if it be Fore-thought Fellony, the Party to be Imprisoned, and amends made, and the Party punished as Law Will. *Jam. 1, Par. 6, Cap. 95.*

If such Bargain in Burgh, shall be called Fore-thought Felony, and the Party Escape unarrested, the Sheriff or Lord of Regality where he is Reset, when Certified, shall pursue and send him back to abide the Law. *Ibid. cap. 96. and Jam. 3, Par. 5, cap. 36. See Girth and Slaughter.*

Forefaulture.

Sentence of Forefaulture of the Earldom of *March*, and Lordship of *Dumbar*, and of all other Lands, which the Earl of *March* held of the King in chief. *Jam. 1, Par. 12, cap. 135.*

All Alienations by Persons Forefaulted, or to be Forefaulted, for the Murder of the Kings Father, and of his Regents, made since the Committing of the Crimes are declared Null. *Jam. 6, Par. 2, cap. 36.* Extended against Burgessees making Defection from the King, and Assisting declared Traitors. *Ibid. cap. 39.*

That all Faithful Subjects Bruik and Joise their Tennendries, to be holden of their next Superiours, notwithstanding of an Forfaulture of their immediat Superiours in this Parliament, providing they do not thereafter make Defection from the Kings Authority. *Jam. 6, Par. 2, cap. 37.*

Act, Ratifying the former Acts, *Jam. 6, Par. 2, cap. 37.* And declaring it to have been Valid from the beginning, *Jam. 6, par. 5, cap. 65.*

That no Process of Forfaulture for Treason against the King, or his Estate be reduced for any pretended Nullity of Process, while first the Crime be freely Remitted, or the Party Tried, and Acquitt; And that no Advocat, Writer, or others Travail, Solist, or Advise in the contrary, without the Advice of the King and Parliament, under the pain to be repute partakers with the saids Traitors. *Item*, That the King restore against Forfaultures only by way of Grace. *Jam. 6, Par. 8, Cap. 135.*

That by Forefaulture of Persons convict of Treason, the King hath Right to all Lands holden of himself: As also, to present Heretable Tennents in their place to their other Over-Lords, and Likeways to all Tacks and Possessions pertaining to them, And therefore, and for preventing the Abstracting of Writs, It's ordained that all Lands, and Heretages, peaceably posselt by any Persons Forefaulted for lese Majesty, or by them to whom the Appearand Heir Forefaulted should succeed for Five Years before the Sentence, or the Decease of the said Appearand Heirs Predecessors, by Labouring, Setting, and Uplifting the Mails thereof, as their Heretage, and swa Repute Heretable Possessors of the same for the saids Five Years, shall appertain to the King and his Donator, without any Question to be moved thereanent, albeit they cannot shew the Securities made thereanent, to the Persons Forefaulted or their Predecessors: *Item*, That the said Possessions be Tryed upon a Commission under the Quarter Seal, be an Assise of the Shire where the Lands lye, or others that best know the Rule, and their Verdict to be retoured to the Chancellary, and to be of alse great strength as the Forefault Persons Rights to the Lands. *Item*, That the King,

or his Donator be summarily entered to the Possession and Tacks of the Rebels, and continue therein unaltered, or hightned for Five Years, that they may search out the Tacks and Titles. *Item*, That the person presented to a Few Forefaulted, or any Vassal of a Fewer Forefaulted be not compelled to produce Acquittances of Few Mails or Annualrent out of the Forefaulted Lands of any Years preceeding, or since the Forefaulture, they alwayes pay and the saids Annualrents or Few-Duties in time coming, how soon it shall be Verified that the Lands are lyable by the Infeftments of the Persons Forefaulted. *Jam. 6, par. 9, cap. 2.*

Act, Annulling an Act of the Parliament first of *June 1592*, In Favours of Vassals of Persons Forefaulted, and ordaining it to be deileit, *Jam. 6, Par. 14, cap. 201*, and accordingly the Act is not now found.

That no Bands, Assignations, Pension or Factory granted by Persons Forefaulted, be Valid, unless either confirmed by his Majesty, or Authorised by a Decreet, before the Persons Forefaulted were first Summoned for the Crime, *Ibid. cap. 202.*

Forefaulture of the Earl of Gowry, and his Estate annexed to the Crown. *Jam. 6, Par. 16, cap. 2*, And the Act *Jam. 6, Par. 2, cap. 37.* ratified in favours of his Vassals and Tacksmen, and that notwithstanding of the Act *Jam. 6, Par. 14, cap. 201.* They pay and to the King and their other Superiours *respective Ten Pound* for each *Twenty Shilling* Land that they held of Gowry, betwixt and *Whitsunday 1601*, for Composition. *Ibid. cap. 3.*

Ratification of the Forefaultures of the Earl of *Bothwel*, and of the Earl of Gowry and his Brother, that no Restitution of Grace prejudice the Kings Donator, but be allenarly Extended to the Rehabilitation of the person to whom it is granted: And that the Extracts of Dispositions or Confirmations shall be as valid to the Kings Donator, as if the principal Evidents were Extant, which are not to be improven for not Production: the Donator abiding at the Verity of the Deed, and of its Extract. *Jam. 6, Par. 18, cap. 4.*

Act, Ratifieing the Procefs and Dooms of Forefaulture Led and Pronounced against certain persons named in the Act for the Rebellion 1666, before and by the Justices, albeit the Parties were absent. *Cha. 2, Par. 2. Sess. 1, Cap. 11.* And this precedent is made a Rule in time coming. See the Act in *Treason.*

But this Act in so far as concerns the said Ratification Rescinded, and the Persons so Forefaulted, particularly *Coldwal, Kersland*, and Mr. *William Vetch* Minister, Restored *per modum justitiæ.* *W. and M. Par. 1, Sess. 2, cap. 31.*

Act, Reducing and Rescinding *ex justitiæ*, the Forefaulture of *Andrew Fletcher* of Saltoun. *W. and M. Par. 1, Sess. 2, cap. 16.*

Act, Rescinding the Decreet of Forefaultures, past against the persons therein named, And also all other Decreets of Forefaulture pronounced after the first of *January 1665*, to the fifth of *November 1689*; Excepting such as are Excepted in the Act, As likewise Discharging all Fines, *Unlawes, Penalties* and *Escheats*, Decerned or Adjudged by Sentences in that time, with a full Restitution of Persons

Persons otherways Lefed, for the Causes mentioned in the Act, and the Act contains Provisions as to Donators, Singular Successors, Compositions, and other Particulars, with a Commission to render the Act more effectual, and to try the particular cases therein remitted, and to Report, all which are to be seen in the Act, and the same Excepted from the Act *Salvo, W. and M. Par. 1, Sess. 2, cap. 18.* But all the special remits to this Commission discharged, so as the persons Forefaulted therein concerned are reponed to the Possession they had before their Forefaultures, And the Lords of Session are to Administat Justice on all the Heads and Articles of the above Act generally referred to the said Commission; And also on the Remit of the case of Mr. *Francis Montgomery*; And the foresaid Commission is continued, as to all cases there depending, or expressly referred to them, to try and report without prejudice of Reports already concluded; As also to persons who have pursued before the Commission, what may be pursued before the Lords of Session to list their Actions tho' brought to a Report. *Sess. 4, cap. 18. Ibid.*

And the Lords of Session are ordained to Administer Justice to the persons above concerned summarly without abiding the order of the Roll. *Cap. 38 Ibid.*

Act declaring how far persons Forefaulted and restored in this Parliament, and their Cautioners are to be lyable to their Creditors for Annualrent, during their Dispossession; And farther determining the ease to be given them as to the payment of their Principals, with a Remit to the Lords of Session of *Caldwalls Case*, as to the Repetition of Rents, and the cases of other Forfaultures, depending before the Parliament. *W. and M. Par. 1, Sess. 5, cap. 16.*

That Compositions for Forefaultures to be refounded by the said Act. *W. and M. Par. 1, Sess. 2, cap. 18.* be repayed with Annualrent since the date thereof. *Item*, That Forefaulted Persons restored by the said Act, be reponed to the same case for preference, either as to the Debt or Releif due to them, as if they had done all possible Diligence, and not Forefaulted. *Cap. 25. Ibid.*

That in the case of all Forefaultures, since the year 1688, And hereafter, His Majesty, or His Donator, may at sight of the Lords of Session get set off to the Creditors Parts of the Estate, in satisfaction of their Debts, That His Majesty may have the *superplus*. *Sess. 6, cap. 24. Ibid.* Restriction of Forefaultures, That Tacks cled with Possession, and Debts Registrate, or on which there is Diligence before the Treason, where the Treason is open and nottour, or before Citation, where the Treason is latent, be not prejudged by the Forefaulture. *Item*, That Estates Forefaulted be subject to all real Actions and Claims, Excepting for Few-duties and other Annual Prestations, tho' not raised or insisted in, within the five years preceeding the Forefaulture, notwithstanding the Act *Jam. 6, Par. 9, Cap. 2*, which is herein so far Rescinded.

As also to all Creditors for their principal Sums allenarly, where the Debts are contracted of before as above, As likeways to all Casualties due to the Superior, either before or after the Forefaulture. *Item*, That the Forefaulture of the Superior prejudice not

His

Antiquary
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of Scotland

His Vassals, nor the Forefaulture of the Heir of Tailzie, where the Tailzie is Registrate conform to the Act 1685, the Substitutes in the Tailzie, but allenarly the person Forefaulted his Right or Power the time of committing the Treason, or the time of Citation as above; And in so far as the same is not exercised and exhausted by Deeds which must also be Registrat or contained in a Contract of Marriage. *Item*, The Forefaultures prejudge neither Wife, nor Husband, as to Terce nor Courtesy, nor any Oblidgements in their Contracts of Marriage: *Item*, The Clause in the Act 1685, securing the King against Tailzies, as to Confiscations and Fines, Rescinded. *W. and M. Par. 1, Sess. 2, Cap. 33.*

Act Rescinding the Forefaulture of the deceast John Swintoun of that Ilk, and restoring his Son against the same, and all that followed on it by way of Justice, and the same excepted from the Act *Salvo*, *W. and M. Par. 1, Sess. 2, Cap. 41.* The Act notices very fully the Form of Process, and Doms of Forefaulture.

Act Rescinding the Forefaultures of Sir Patrick Home, now Earl of Marchmont 22 of July 1690. Act Rescinding the Forefaulture of the Earl of Melvill 22 July 1690. Ratified, 12 of June 1693.

Forfar Burgh.

Act changing the Mercat Day of Forfar from Sunday to Friday Weekly. *Ja. 6, Par. 13, Cap. 195.*

Fornication.

Fornicators, as well the Man as the Woman, to pay for the first Fault Forty Pounds, for the second ane Hundred Merks, for the Third, ane Hundred Pounds; And so furth always ane Hundred Pounds, or else to be punished corporally, as in the Act; And the saids Fines to be applyed *ad pios usus*, within the Bounds, as the King shall order. *Jam. 6, Par. 1, Cap. 13.*

Fornication made Fineable by the Justice in Four Hundred pounds the Nobleman, Two Hundred pounds the Baron, an Hundred pounds the Gentleman and Burgeses, and Ten Pounds every Inferior Person; And that the pains be doubled *roties quoties*, and levied of the Woman as well as the Man, and applyed as in the Act. *Cha. 2, Par. 1, Sess. 1, Cap. 38.* See it in *Justices of Peace.*

Forrests.

That all pretending Right by Infestment, or Tack, of keeping the Kings Forrests, produce the same, And that no such keeper suffer any manner of Goods to be pastured therein under the pain of Tinsel of their Offices, and Escheat of their Moveables, if others be found Pasturing therein, that they may be Imprisoned, and the Goods found Escheat, Two part to the King, and a Third to the Keeper. *Item*, That the negligent Keeper Tine his Office, and that Landed Men or their Keepers may Escheat all Goods found within

within their hained Woods, or Forrests. *Jam. 5, Par. 4, Cap. 12.*

All Goods found pasturing in the Kings Parks, or Forrests, without the Comptrollers Licence, may be by him Escheated to the King. *Jam. 6, par. 12, cap. 128.*

That the Keepers may intromet therewith, half to the King, half to himself, who cuts any Timber within the Kings Woods, or Forrests; or slays Deer, or Wild-Fowl therein, with Gun, Bow, Dog, Hawk, or other Engine; or shoots with any Gun therein, or in the Night, within a Mile thereof, or slayes any Deer straying in time of Storm, Tine all their Goods as Escheat. *Item, That none Hunt or Haulk within six Miles of the Kings Woods, Parks, Castles and Palaces, under the pain of an Hundred Pounds, half to the King, half to the Delator. Jam. 6, Par. 14. cap, 210.*

That the Keepers of Forrests and others having Right thereto by their Infestments shall have Power and Jurisdiction, to convene before them the Transgressors of the saids Statutes, and to try them by an Inquest, and Execute the saids Acts against them; To wit, The Slayers and Shooters at Deer, Rae, and Wild-Fowl, being Landed-Men, under the pain of Five Hundred Merks, and being unlanded an Hundred Merks &c. conform to the former Acts. *Jam. 6, Par. 22, Cap. 18.* But this pain of 500 Merks said to be formerly statute against Landed Men does not appear.

Forth-Water, see Fish and Fishing.

Fraud, see Air and Alienation. Founding.

The Art and Work of Founding declared to be a Manufacture, for the space of Nineteen Years, after the 15 of June 1686, *Jam. 7, Par. 1, Sess. 1, Cap. 31.*

France.

That the old Alliance with France be renewed and confirmed, and Reformation sought of Abuses, conform thereto. *Jam. 4, Par. 3, Cap. 23.*

Frenchmen Naturalized in Scotland, as Scotsmen are in France, and the French Letter of Naturality for the Scots is Insert and Recorded in the Act. *Q. M. Par. 8: Cap. 65 and 66.* Temporary Act, against going to, or abiding in France. *W, and M. Par. 1. Sess. 4, cap. 8. See it in Treason.*

Free-Holder.

That all Free-Holders dwelling in the Shire, compear at the Three Head Courts, with their Seals, or send a sufficient Attourney therewith; and for upon Courts set on Fifteen Days Warning.

and

and if the Court be not sufficiently furnished in the Trial, the Sheriff may Charge the Gentles of the Regality, and the pain of Non-compearance an Un-law of Court. *Jam. 1, Par. 9, cap. 130.* That all Free-Holders give Suit and Prefence at the Three Head Courts, if they owe the same, or send sufficient Suitors, if they owe but Suit. *Jam. 5, Par. 6, Cap. 71.*

The Acts anent Free-holders, or small Barons, sending their Commissioners to the Parliament, or Convention. See *Parliament.*

Fugitive, See Horning and Rebell.

That all Fugitives from the King, or any of his Lieutenants be punished as Publick and Nottour Rebels. *Jam. 1, Par. 8, cap. 111.*

Furious.

That their nearest Agnat or Kinsman be Served and Preferred to be their Tutors or Curators, according to the Common-Law. *Jam. 6, Par. 10, Cap. 18. See Curator, or Idiocy.*

G.

Galleys.

That Barons and Lords having Lands in the West and North, on the Sea-Coast, and not Intett with this Burden, have Galleys, each Four Mark-Land an Oar: And that the Lands within Six Miles contribute to the Sustentation of the saids Galleys. *Jam. 1, Par. 9, Cap. 126.*

Game.

Act for preserving Game, Ratifying all former Laws and Acts, particularly a Proclamation of Council the 9 of June 1682 for that Effect, which Proclamation here Ingrossed doth very fully Revive all Laws about Hunting or Hawlking, and Slaying of all Wild Beatts and Fouls; As also, anent Salmond Fishing, and other Fishing, and contains a Nomination of Masters of Game, with many good Rules and Instructions for the Policy of the Kingdom. *Jam. 7, Par. 1, cap. 20.* This Act Ratified with a Prorogation of Seven Years longer against Set Dogs. *W. Par. 1, Sess. 7, Cap. 15.*

That none Steal a Hawlk out of the Nest, or Air, or take a Col-lar from a Dogs Neck, or Vervel from a Hawlk with the Masters Name or Stile on it, under the pain of 500 Merks. Item, Against Dogs strayed, or Hawlks got louse, how they should be Booked and Restored. *Ja. 7, Par. 1, cap. 21.*

Act Ratifying all former Acts anent the Game, and Discharging all Killing of Muir-Fowl, from the 1 of March to the Twenty of June, and Partridges from the said first of March to the 20 of August inclusive: As also, the Selling, Buying or Using them in the said Season, under the pain of 20 Pound toties quoties, and that none Hunt with Setting Dogs and Nets in anothers Ground, without Leave given by the Heretor. *2. Ann. Par. 1, Sess. 4, Cap. 13. Anno 1707.*

Garrisons.

Order for Garrisons in the Border, and that the Sheriffs Tax and return Mens Avails for bearing the Charge. *Jam. 2, Par. 12, cap. 15.*

The power of Commanding, Ordering, or otherways disposing of all Strengths, Forts, and Garrisons, doth properly belong to the King, and his Successors, as their undoubted Right; the Subjects being always free of their Provision, unless concluded in Parliament. *Cha. 2, Par. 1, Sess. 1, Cap. 5. See the Act in King, The Act is, Act asserting His Majesties Royal Prerogative in the Militia, &c.*

Dean of Gild.

Confirmation of the Dean of Gild and his Council their Jurisdiction, in all Actions concerning Merchants, and as it is used in *Edinburgh*, and that according to the Form used in *Paris* or *Rowen*, and other Towns of *France* or *Flanders*, *Jam. 6. Par. 13, cap. 180.*

Girth, or Sanctuary.

That where the Committer of Slaughter on Fore-thought Felony lies to Girth or Sanctuary, the Sheriff require him on Caution, and take Tryal by an Inquest, If the Crime was committed by him on Fore-thought Felony, *tanquam insidiator & per industriam*: And if so, then the Committer to be Punished: And if not, then he be Restored to the Girth, *Jam. 3, par. 5, Cap. 36. Jam. 3, par. 6, Cap. 43.*

That all Masters of Girths make Deputes under them, dwelling at, or near the Girths, who may be charged to deliver all Committers of Slaughter on Fore-thought Felony, and other Trespassors, who break Girth, and may not bruik its Priviledge: And if these Baillies being charged, refuse to Deliver, that they be rigorously Punished in their Bodies and Goods, *Jam. 5, par. 4, cap. 23.* This Act made, because the Masters of Girths, Spiritual Men, were said to refuse to Deliver Trespassors.

Glasgow.

That the City of *Glasgow* and Council thereof, have Power to choose their own Magistrates and Officiars, as fully and freely as *Edin.*

Edinburgh, or any other Burgh Royal, at, and from Michaelmas next 1690. But prejudice to the Regality of Glasgow, or other Rights pertaining to their Majesties, W. and M. Par. 1, Sess. 2, Cap. 15.

Gleib, *see* Manfes.

The Quantity, Designation, and Priviledges, and other things relating to Gleibs, all set down under *Manfes*, because of their Contingency.

That Ministers and Readers pay no Teinds for their Gleibs, *Jam. 6, par. 5, cap. 62.*

Or for their Sums Grass, appointed in stead thereof, *Jam. 6, par. 23, cap. 10.* But *see Manfes.*

Gold and Silver, *see* Money.

Gold-Smith, *see* Craft and here *in*

Gold and Silver-Work.

That Gold-Work made, be Eleven Grains Fine, and that it be marked by the Maker and Deacon, and if there be but one Gold-Smith in a Town, by him and the Magistrate: And if either the Work be not of that Fineness, or not marked, in the first case, both the Magistrate and Deacon, and in the second, the Maker shall fine his Goods to the King, and his Life be in the Kings Will, *Jam. 2, Par. 14, cap. 65.*

Item, That Gold-Smiths-Work be marked by the Maker, Deacon, and Towns-Mark, of the Fineness of Eleven Penny Fine; otherwayes the Work to be broken, and the Maker to be in the Kings Will: And that Gold-Smiths be admitted by the whole Craft, and their Officiar, *Jam. 3, Par. 13, cap. 96.*

Item, That their Work be marked by the Maker and Deacon, and that Silver-Work be of the Fineness of the new Work of *Bruges*, and Gold-Work as Fine as the Matter of the first Melting down by the Owner, *Jam. 4, Par. 2, cap. 13.*

That no Gold-Smith make Work of Silver, under Eleven Penny Fine, and of Gold, under Twenty Two Carrat Fine, under the pain of Death, and Escheat of Moveables, and that all Work be Marked by the Makers, and the Towns Mark, *2. M. Par. 6 cap. 56.*

Golf, *see* Foot-Ball.

Government.

If any Person by Writing, Printing, or any Malicious and advised Speaking, Express or Declare words to stir up People to Hatred,

or Dislike of the Kings Supremacy, or of Episcopal Government, as now Established, or to Justifie any of these things declared against in this Act, that he be incapable of all publick Trust, and lyable to the pain of Law, providing he be Proceſſed by the King or Councils Order, and no otherwayes, within Eight Moneths after the Offence, and Sentenced within four Moneths after Proceſs, *Cha. 2, par. 1, Seſſ. 2, cap. 2*, towards the end: The Act is, for Preservation of his Majesties Person, Authority and Government.

Ratification of all Acts for securing the Government of the Church as now Established, *Cha. 2, par. 3, cap. 4*, The Act is, for securing the Peace of the Countrey: But these Acts as to the Supremacy and Government of the Church by Bishops, Rescinded *W. and M. par. 1, Seſſ. 2, cap. 1, and cap. 5, Ibid.*

Earl of Gowrie, See Forefaulture.

Clan-Greigour, See Clan.
Greenland Fishing.

The Greenland Fishing declared to have the Priviledge of a Manufacture, and that all Ale or Beir for their Ships, with a Butt of Brandy for each Ship yearly be free of Excise and all other Duties. *Item*, That nothing be abated of the Duties on Whale-bone and Soap Imported, under the pain of Confiscation of the Goods, half to the King, half to the Discoverer, and the Customer abating to be Censured at sight of the Council or Exchequer, *Jam. 7, par. 1, cap. 41.*

Grievances.

Grievances Represented by the Estates to the King to be redressed in Parliament. That the Committee of Parliament, called the Articles, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely chosen by the Estates, to prepare Motions and Overtures that are first made in the House.

That the first Act of Parliament 1669, is inconsistent with the Establishment of the Church Government now desired, and ought to be Abrogated.

That the Forefaultures in prejudice of Vassals, Creditors and Heirs of Entail, are a great Grievance.

That the obliging the Leidges, to Depone upon Crimes against Delinquents, otherwayes than when they are Adduced in special Proceſſes, as Witnesses, is a great Grievance.

That Affixes of Error are a Grievance, and the Juries be considered by Parliament.

That the eighteenth Act of Parliament 1681, Declaring a Cumulative Jurisdiction, is a Grievance.

That

That the Commissariot Courts, as they are now Constituted, are a Grievance.

That the Twentyseventh Act of Parliament 1663, Giving to the King Power to Impose Custom at pleasure, upon Forreign Import and Trade, is a Grievance, and prejudicial to the Trade of the Nation.

That the not taking an Effectual Course to Repress the Depredations and Robberies by the Highland Clans, is a Grievance.

That the Banishment by the Council of the greatest part of the Advocates from Edinburgh, without a Process, was a Grievance.

That most of the Laws Enacted in the Parliament Anno 1685, are Impious and Intollerable Grievances.

That the Marriage of a King or Queen of this Realm to a Papist, is Dangerous to the Protestant Religion, and ought to be provided against.

That the Levying, or keeping on Foot a Standing Army in time of Peace, without consent of Parliament, is a Grievance.

That all Grievances relating to the Manner and Measure of the Ledges their Representation in Parliament be considered and Redressed in the first Parliament.

That the Grievances of the Burrows be considered and Redressed in Parliament. Convention cap. 18.

Guerra, See Courts.

Guns.

That Landed Men and others provide Guns: for each Hundred Pound Land of new Extent, an Hagbut; for each Hundred Merk Land, Two Culverings; And for each Fourty Pound Land one Culvering, with all their Pertinents, as in the Act, Jam. 5, Par. 7, cap. 94. And that Merchants bring them Home, Ibid. Cap. 95.

That no Man shoot with, or wear Guns, under the pain of cutting off the Right Hand, except that Men may shoot for Pastime within their Inner Closs: And also, except Mariners at Sea, Men of War in actual Wages, or Men at, or going to, or coming from Weapon-shawings, or called to Hosts, or to Assemble in Arms, or in Defence or Pursuit of Thieves, Jam. 6. par. 1, Cap. 18; Ratified, and the pain Lessened and Changed to be Ten Pounds, and Tinsel of the Gun and Armour, unless the King appoint the former Pains to be Execute; And Magistrates of Burghs are Impowered to Execute the same, and Ward the Persons convict, until they pay; As also, to cause them find Caution to Desist under double Pains, Jam. 6, Par. 6, Cap. 87.

Again Ratified, and the Pain made Escheat of Moveables, half to the King, half to the Apprehender, but prejudice of the Pain in the said Act, Jam. 6, Par. 1, cap. 18, And all Sheriffs, Stewarts, Magistrates of Burghs and Baionies are Impowered to Execute this Act ut supra, Jam. 6, Par. 15, cap. 248.

Simple Bearers and Wearers of Guns Guilty of no odious Violence, declared conveyenable before the Council, and the thing to be probable by Witnesses or Oath of Party, but only to infer the Pain

of Warding and Escheat, or a Pecunial Pain; but prejudice of the former Acts, if his Majesty like better to have Offenders pursued Criminally before the Justices: And all Licences, except granted by His Highness and Council, and composon and past all the Seals, are declared Null, Jam. 6, par. 16, cap. 6.

H

Hagbuts, *see* Guns.

Haining, *see* Forrests and Planting.

Hawking, *see* Hunting.

Hawls, *see* Game.

Hawls, *and* Hounds.

That no Man take or Steal another Mans Hawls or Hounds, mad or Wild, nor Eggs out of Hawls Nests, under the pain of Ten Pounds, Jam. 3, par. 7, cap. 60. And this pain of Ten Pounds Hightned to an Hundred Pounds, Halfto the King, Halfto the Delater, Jam. 6, Par. 23, cap. 32.

Hares, *see* Hunting *and* Wild Beasts.

To slay Hares in Snow time is a point of Dittay, Jam. 2, Par. 14, Cap. 88, Jam. 3, Par. 7, cap. 60, and Jam. 5, Par. 4, cap. 14.

That no Man Shoot at Hares with Gun or Bow, Jam. 6, Par. 2, cap. 16, *See* this, and other Acts in Wild Beasts,

Hearth Money, *see* Supplie, *and* Pole.

Hedges, *see* Planting.

That no Man make Hedges of dry Staiks, Rice, or hewen Wood, but only of lyand Wood, Jam. 2, Par. 14, cap. 83.

He

Herauld, *see* Lyon, and Messenger.

Herefie.

That Hereticks be Punished according to the Law of the Holy Kirk, and that the secular Power assist, *Jam. 1, Par. 2, cap. 28.*

Herring, *see* Fish, and Ffishing.

That none Buy, Pack, Peil, Salt, Barrel, or Transport Herring of the Realm before *Michaelmas* yearly, under pain of Confiscation of the Herring, Ship, and all other Goods of the Contraveeners, two Part to the King, and the Third to the Apprehender: And that all Licenses in the Contrary be granted in Council, and past all the Seals, otherwayes are Null, *Jam. 6, Par. 16, cap. 10.*

High-Lands and Borders.

That the Council meet peremptorly the first Day of every Moneth, for Repressing the Disorders of the High-Lands and Borders, and that a particular Register be kept of all Things concerning their good Rule, *Jam. 6, Par. 11, cap. 92.*

Act appointing Land-Lords, and Baillies of Lands in the Borders and High-Lands, where broken Men contained in the Roll, at the End of this Parliament, have dwelt, and dwell, to find Caution, and be otherways lyable for the Dwellers on the saids Land, and for Thieves passing through the same in manner contained in the Act, *Ibid. cap. 93.* But if the Land-Lord or Baillie do Diligence to remove these Indwellers, and make them the Kings Rebels, and do all he could do; It shall releive him of the Pain and Danger, *Ibid. cap. 107.* And if they shall be constrained to Burn any Malefactors House, or to hold them and their Wives and Bairns of the Ground for their not Releiving them, they shall be Affoilzied therefore, *Ibid. cap. 108.*

That the Captains, Cheifs, or Chiftains of all Clans, and their Branches within the saids Bounds, and noted in Roll, as said is, give pledges to be kept and changed, And also be otherways lyable as in the Act, and that such as refuse to give Pledges be Pursued with Fire and Sword, as Enemies to God and the King: And the saids Pledges may be Executed to Death, in case Redress be not made by the Persons for whom they ly. *Jam. 6, Par. 11, cap. 94.* and the Pledges for the Highlands to be placed on the South-side, and for the Borders, on the North-side of the Water of Forth. *Ibid. cap. 107.*

That all Notorious Thieves, born within the saids Bounds, be removed out of the In-Land where they Dwell, to the parts where they were Born, unless their Lands-Lords will become Surety for them. *Ibid. cap. 95.*

That

That a Register be made of the saids Pledges, and other Persons for whom they ly, and who should Releive them; As also of all the Land-Lords, Baillies, Indwellers, and Clans within the saids Bounds. *Ibid. cap. 97.*

That all Vagabounds within the saids Bounds Implugged, or Answered for, be charged to find Soverty, and in case of Failzie be Denounced, and them, their Resettlers, or the Magistrats of the Bounds, where they are wittingly Reset with Goods Stollen or rett to be lyable to Satisfy the Party. *Ibid. cap. 97.*

That all Bands and Acts made for, or anent broken Men, Obliges Heirs, albeit not therein mentioned. *Ibid. cap. 98.*

That Soverties made by Land-Lords and Baillies, and by Chif-tains of Clanns, are not prejudicial *hinc inde. Ibid. cap. 99.*

That Land-Lords, Baillies and Chiftains of notable Limmers, present such of them as the King shall require by close Valentines, otherwayes they are to be punished for their contempt. *Ibid. cap. 103.*

Act, Ratifieing all former Acts against the Disorders of the Highlands and Borders, ordaining Catalogues to be made, Caution to be found, Masters and Land-Lords, to be lyable to produce their Men; and Constituting all Judges, and Free-holders, Justices in that part, to Apprehend, and cause Execute to the Death, all Thieves and Sornerers of the saids Bounds, in manner set down in the Act, *Jam. 6. Par. 14, cap. 227.* The Act is, for punishing of Theift, Reiff, &c.

That all Land-Lords, Heretors and Leaders of Clanns in the Highlands and Isles, compear betwixt and the 15 Day of May 1598 before the Exchequer, and produce the Rights and Titles, and find Caution for payment to his Majesty of his Rents, And that they and their Men, Tenents, Servants, and Dependens, shall be Answerable to his Highness Laws and Justices: And that they shall not injure any of his Highness Leidges, Travelling in their Bounds, and shall Redress all Parties Skaithed by them, otherwayes if they fail to Compear &c, That they Forfeit and Amit all their pretended Rights, and the samen to be Null. *Jam. 6, Par. 15, cap. 262.* Ratified as to the payment of his Majesties Rents, *Cha. 2, Par. 1, Sess. 3, cap. 15.*

That Three Burghs be bigged in the Highlands and Isles, one in *Kintyre*, another in *Lochaber*, and the Third in the *Lewes*, to which his Majesty Grants all the Priviledges Granted to any other Burghs: And it is declared Leasom for him to give them the Ground, and Dispone to them Lands and Filbings for their Common Gude, to be holden Burgage, *Jam. 6, Par. 15, Cap. 263.*

Act, For Repressing Depredations in the Shires therein enumerate as Highlands, Reviving and Ratifying all former Acts, in so far as not hereby altered, and containing a farder expedient and Remedy: But the Act as to the Additions therein made to former Acts Limited, till the first of January 1692. *W. and M. par. 1. Sess. 3, cap. 4.*

Act, For a Commission of Justiciary for the Highlands in manner and for the space of Two Years therein expressed. *W. and M. par. 1, Sess. 4, cap. 39.* Prorogate for other Three Years in the same Terms

Terms, *Sess. 5, Cap. 37. Item*, Prerogat a Year longer after the said Three Years, and the Commission may proceed by Inditement on a Citation of Six Days, and with close Doors, and for the pain of Death, or punish Arbitrarily. *Sess. 7, Cap. 4.*

Act for a Commission of Justiciary in the High-lands with some Provisions about the D. of *Argiles* Justiciary Q. *Ann Par. Anno 1702 cap 8.*

Hives and Bees.

That no Man Steal Bee-Hives, under the pain of Ten pounds, and Amends to the Party, and that it be a point in Dittay. *Jam. 4, Par. 6, Cap. 69, See it in Theft, and the Acts there cited.*

Holy-Day, *see* Sabbath.

Homicide, *see* Slaughter.

That Casual Homicide in Lawful Defence, or Committed on Thieves, and Robbers, Breaking Houses in the Night, or the time of Masterful Depredation, or in Pursuit of Rebels, Denounced for Capital Crimes, or of such who shall Assist the saids Rebels and Depredators by Arms, and by Force oppose their pursuit, or Apprehending; shall not be punished by Death, providing that in Homicide Casual, or in Defence, the Criminal Judge may not the less with the Advice of the Council, Fine the Slayer in his Means, to the Use of the Defuncts Wife, and Bairns, or nearest of Kin, or Imprison his Person: And this Act drawn back to the Thirteenth of February 1649. *Cha. 2, Par. 1, Sess. 1, cap. 22.*

Horning.

That Persons possessing Benefices, or other Ecclesiastick Rents, remaining year and day at the Horn, Tine their Liferent, sick like as Temporal Men do. *Jam. 6, Parl. 3, cap. 49. See the Act about Temporal Mens losing their Liferents to their Superiours, in the case foresaid, being Jam. 5, par. 4, cap. 32. See it in Superiours.*

That all Letters of Horning and Relaxation be Registrate within Fifteen Days after the Denunciation, or Relaxation, made in Sheriffs Books, and marked and given back by the Clerk, (Receiving for his pains Six shillings Eight pennies) within Twenty Four Hours, otherways the saids Letters not to be holden Lawfully Execute, but the Execution to be Null: *Item*, That the Extract make Faith, and be esteemed as Authentick: *Item*, That the Relaxation be made at the Market Cross of the Head Burgh of the Shire where the Rebel dwels, and the Denunciation was made and that it be Registrate in the same Books. *Jam 6, par. 6, cap. 75. The Act is, For punishment of Persons, that*

contemnantly remains Rebels, and at the Kings Horn. Some Doubts arising upon this Act (*quoad praterita*) not now casible, Decided. Item, That Letters of Horning, duly Execute for not Compearing to underly the Law, or for not finding Soverty, and Reported, as use is, to the Justice Clerk, and his Deputes, shall be as sufficient as if Registrat in the Sheriffs Books. Item, That Hornings within Stewartries and Regalities, be Registrat within the Books thereof; And that Hornings against Witnesses needs no Registration. Jam. 6, par. 8, cap. 142. Item, Denunciation on at the Mercat Cross of the Head Burgh where the Justice Clerk sits, and Registration in the Journal Books in the Cases of not Compearing, or not finding Soverty, as said is, are declared to be as sufficient as Denunciation and Registration, in the Shire where the Rebel dwells. Ibid. cap. 140. The Act is, *Addition to the Acts made of before anent the coming to Courts. &c.* See the Act in *Crimes and Criminal Process*. Item, That the Denunciation of such as are lyable to Compt in the Exchequer, made for their Disobedience, at the Mercat Cross of *Edinburgh*, and Registration in the Thesaurer Books, or Sheriff of *Edinburgh* his Books, decerned to be as good as made at the Cross of the Head Burgh of the Shire where the Person Lives, and in the Books of the Sheriff thereof. Jam. 6, par. 11, cap. 63. The Act is, *The Checker should begin the first Day of July, &c.* See the Act in *Exchequer*; As also the Act Cha. 2. par. 1, Sess. 3, cap. 15. The Act is, *Anent the inbringing of his Majesties Rents*.

The Denunciations to the Horn on Acts of Adjournal, made at the Mercat Cross of *Edinburgh*, be as Lawful to make the Escheat fall, as if made at the Head Burgh of the Shire where the Rebel dwells, Declaring nevertheless the Inhabitants not to be *in mala fide*, as to Reset, until the Denunciation be duly made within the same. Jam. 6, par. 12, cap. 126. The Act is, *The Names of the Rebels should be delivered to the Thesaurer, &c.*

Denunciations to the Horn of Persons Excommunicat, made at the Mercat Cross of *Edinburgh*, and Peer and Shoar of *Leith*, declared to be sufficient, both for Caption and Escheat. Cha. 2, par. 1, Sess. 1, cap. 25. See the Act in *Excommunication*.

That Letters of Horning and Relaxation of persons Dwelland within Stewartries, and Bailliaries, Royalty, or Regality, be Execute at the Mercat Cross of the Head Burgh, and Registrat in the Books thereof, and that all Executions and Registration otherways made be Null. Jam. 6, Par. 15. Cap. 254.

Item, That Registration of Hornings and Relaxations be made Judicially, or before an Nottar, and Four Witnesses, beside the Clerk, and if the Sheriff, Stewarr, or Bailly, refuse to Registrat, and be thereupon Instrumented, the Letters may be Registrat by the next Sheriff, Stewart, or Bailly, or by the Clerk Register and his Deputes. Ibid. Cap. 265. But that part of the Act requiring a Nottar and Witnesses Rescinded, Declaring Registrations made by the Sheriffs, Stewarts, and Baillies Clerk, or by the Clerk Register and his Deputes to be sufficient. Jam. 6, Par. 16. Cap. 13.

Tha

That the Tenor of Letters of Horning, and Executions thereof, shall not be admitted to be proven by Witnesses. *Jam. 6, Par. 6, Cap. 94.*

That Letters of Horning, be not generally Directed against all and sundry, except it be a Burgh, Colledge, or Community, representing a Body, at least that no Person be thereon Denounced, unless first specially called to hear the saids Letters Directed against him for a special Cause. And for that end, that in all Ministers Assignations to Thirds, or the like, the special Lands, Tennents, and Duties be contained. *Item, A Beneficed Man may seek General Letters, conform to his Provision, for Publication thereof, but not to Denounce thereupon, as said is. Jam. 6, Par. 12, cap. 140.*

A Reduction of an Horning and Denunciation being presented upon an Acquittance, proving the Debt to have been payed before, for preventing Collusion in prejudice of his Majesties Casualty, the Producer thereof must Swear Solemnly before the Lords, that the Acquittance is True, and of a true Date, otherways he shall not be heard against the King. *Jam. 6, Par. 14, cap. 209, The Act is, For trial of the Truth of Acquittances, &c*

That no Letters of Horning (such as for finding of Law-Burrows, or Compearing before the Council) be direct against Persons Dwelling be-North *Dee*, upon shorter time then Fifteen Days, otherways the same to be Null. *Jam. 6, Par. 16, cap. 25.*

That Letters of Horning be direct on Sheriffs, Stewarts or Baillies of Royalty or Regality their Decrets, as on Decrets of Provost and Baillies of Burgh, by the Act. *Jam. 6, par. 13, cap. 177. In Burghs. Jam. 6, par. 18, cap. 10.*

The same Statute as to Admiral Decrets. *Jam. 6, par. 20, cap. 15.*

And as to Commissaries their Decrets. *Jam. 6, par. 21, cap. 7.*

Ratified, and Poinding, as well as Horning, ordered upon the saids Sheriffs, Commissars, and other Inferiour Judges their Decrets. *Cha. 2, par. 1, Sess. 1, cap. 29.* The Act indeed only Ratifies, and Refers to the said Act. *Jam. 6, par. 18, cap. 120.* Wherein neither Commissar nor Admiral is Named; But seeing it Expresses Commissars, and other Inferiour Judicatories as therein Named, its probable that the meaning of the Act is as large as here is made.

Horning for a Civil Cause, declared to be no Defence to any Party, who shall Slay, or Mutilat the Person so Denounced. And that this Act have place allenary, for such Crimes as shall be committed thereafter. *Jam. 6, par. 21, cap. 3.*

General Letters of Horning Discharged, Except for the Kings Revenue, and Ministers Stipends, on Decrets of Locality, and General Letters on Decrets for Poinding the Ground may Proceed as formerly. *W. and M. Par. 1, Sess. 2, cap. 13.*

All Hornings past by Deliverance of the Session, or Justiciary, from the first of November 1688, to the 15 of October 1689, declared Null. *W. and M. par. 1, Sess. 2, cap. 40.*

Horse.

That no Horse under three Year Old outgone, be Sold out of the Realm, under pain of Escheat of the Horse. *Jam. 1, par. 2, cap. 31.*

That no Horse be Transported forth of the Realm by Sea, under the pain of Escheat of the Horse, Ship, and Remanent Goods of the Transporter *Jam. 6, par. 1, Cap. 22.* The Preface of this Act mentions Transporting of Horse to *Bordeaux*.

That a Smith Shoing a Horse in the Quick, pay the Coast of the Horse, till he be whole; and furnish the Owner with another, and if the Horse will not Mend, that the Smith hold the Horse, and pay the price. *Jam. 3, par. 10, cap. 79.*

That Slayers or Hochers of Horse or Oxen, or other Cattel, and their Maintainers, and Resettlers be punished to the Death as Thieves, and the Maintainers and Resettlers of Thieves. *Jam. 6, par. 7, cap. 110.* Ratified, but confined to the time of Labouring, and Extended to Cutters and Destroyers of pleugh-Gear, in time of Tilling, and to Strickers, Goarers, and Fellers of Oxen or Horse, in time of Leading of Corns, or Fewel. *Jam. 6, par. 11. cap. 82.*

That none under a Baron or Landed Man, worth a Thousand Merks of Yearly Free Rent, keep Horse at the hard Meat, after the Fifteenth of May, or take them in before the Fifteenth of October, under the pain of Escheat of the Horse. *Jam. 6, par. 7, cap. 122.* But this Act Ratified, And it is Statute, That none under Two Thousand Pounds Yearly, keep Horse at hard Meat after the first of June, and that after the said Day, the Earl, and Lord keep only Two, and the Baron One at most, under the pain of Escheat of the Horse kept in the contrary, with which the Sheriffs are Impowered to Intervent, half to the King, and half to themselves. *Jam. 6, par. 11, cap. 56.*

Horse-Races.

If any Man Gain by Wagers upon Horse-Races, above the Sum of an Hundred Merks, That the Superplus be consigned in the Hands of the Collector for the Poor: and Magistrats in Burghs, Sheriffs, and Justices of Peace in the Country, are Impowered to Pursue for the said Superplus Gain, or else are lyable to the Informer in the double thereof, half to him, the other half to the Poor. *Jam. 6. Par. 23, Cap. 14.* The Act is Extended to *Cards and Dice.*

Hospitals.

That Hospitals be Visited by the Chancellour, the Ordinary, and Two Honest Men, and their Foundation Examined, or if they cannot be found, that Inquisition be taken, and the matter Referred to the King. *Jam. 2, par. 14, cap. 69.* That where the Poun-

Foundations of Hospitals cannot be found, the Fruits be Assigned to the Poor. *Jam.* 3, *par.* 1, *cap.* 10. That Hospitals be Visited, and the King Name Visitors. *Jam.* 5, *par.* 7, *cap.* 101.

A New Visitation appointed, *viz.* For Hospitals of the Kings Foundation by the Chancellour, and all others by the Bishops, with Power to the Visitors to Charge for Production of the Foundations, Fews and Tacks, and that they Report betwixt and Pasche next. *Jam.* 6, *par.* 5, *cap.* 63, *Anno* 1578. See *Donations pious.*

Recommendation to his Majesty to cause Visit Hospitals, and inquire after Mortifications. *W. Par.* 1, *Sess.* 6, *cap.* 29. Renewed. *Sess.* 9 *cap.* 21.

Host.

That all Men betwixt Sixty and Sixteen be ready Horfed and Geired, as they best may, for Defence of the Realm, and to come to the Borders, otherways to be punished in their Bodies, and Goods; and that Weapon-shawings be kept from Thirty Days to Thirty Days. *Jam.* 2, *Par.* 13, *cap.* 56, *Anno* 1456. See *Weapon-shawings.*

That no Person coming to the Kings Host, Destroy Meadows or Corns, or Spulzie Goods in coming or going And that each Baron Answer for the Men of his Leading, to present them, or pay the Skaith. *Jam.* 3, *par.* 11, *cap.* 32.

That for Saving Corns, and Meadows, the Kings Army be Unhorfed, and ready to March on Foot, Except Lords, Barons, and others Licenced by the King. *Jam.* 5, *par.* 6, *cap.* 86.

If any Man be Slain or Hurt to Death by the Enemy, or Die in the Kings Host, during the time of it, that his Heir have his Waird, Relief, and Marriage of the King Free. *Jam.* 4, *par.* 7, *cap.* 102. This Act bears to be made at *Tuesilbauch* in *Northumberland* by the King and his Lords present in the Host, 24 of *August* 1513. The same Statute, and extended to the Vassals of all other Superiours. *Jam.* 5, *par.* 2, *cap.* 3. But this Act mentions not such as Die in the Host. This is also Extended to Unlanded Men, that their Wives and Bairns Bruik their Tacks and Steedings, for Five Years after Slaughter or Wounding to Death, *Grejum* Free. *Ibid.* *cap.* 4.

A Church-Man Slain or Hurt to Death, or Dying of Sicknefs taken in the Host, then Marching against the *English*, That his nearest of Kin (most able therefore) have his Benefice. *Q. M.* *par.* 3, *cap.* 4.

As also that any Vassal so Slain, or dying, have his Waird, Marriage, Non-entry and Relief free: only if their be Bairns beside the Heir, that then they have the Benefit of the Waird of the Lands. *Ibid.* *cap.* 5. That in case of any Mans Decease, as aforesaid, his Wife, Bairns, Assigneys or Executors, have his Tacks and Steedings *Grejum* Free for Five Years thereafter, pay and the wonted Duty. *Ibid.* *cap.* 6.

Thir three last acts renewed in favours of such as should be slain,

or Wounded to Death by the Rebels then within the Burgh and Castle of *Edinburgh*, Resisting His Majesties Authority, *Jam. 6, Par. 2, cap. 41, 42, and 43.*

That the Heirs of such as shall be slain or hurt to the Death in Military Service within their Majesties Dominions, in Defence of the *Protestant Religion*, our Laws and Liberties, and their Majesties Authority shall be free of Ward, Relief, Marriage and Non-entry, thereby vaiking. *W. and M. par. 1, Sess. 2, cap. 37.*

Hostellaries.

That in all Burrows, and through Fairs there be Hostellaries, having Stables and Chambers, and Provision for Horse and Man, *Jam. 1, par. 1, cap. 24.*

That all Travelling Men on Horse or Foot Lodge in Hostellaries, unless they Lead Money with them, in which case they may Lodge with their Friends; and that none receive Travellers, except Hostellaries, under the pain of Fourty *shillings* to the King. *Jam. 1, Par. 3, Cap. 56.*

That honest and competent Hostellaries be made in all Burghs, *Jam. 1, Par. 6, Cap. 85.*

Ratified, and that all Baillies of Burrows and Barons, see to the Provision of the saids Hostellaries, *Jam. 5, Par. 4, Cap. 18.*

House-Holders.

That all House-Holders worth Three Hundred *Merks* of yearly Rents, or Five Hundred *Pounds* of Stock, have an Bible, and Psalm Book, in Vulgar Language, in their Houses, under the pain of Ten *Pounds*, Two Thirds of it to the Poor, and the other Third to the Magistrates in Burgh, and to the Kings Commissioners in Paroches to Landwart, who are appointed to execute this Act, *Jam. 6, Par. 6, Cap. 72.*

Houses Ruinous, *see* Burghs. Hunting and Hawking.

That none slay Hares in Snow time, *see Hares*, and that no Man slay Dae, Rae, nor Deer in time of Storm, or Snow; or their Kids, while they be a year old, under the pain of Ten *Pounds*, *Jam. 3, Par. 7, Cap. 61. See it in Wild-Beasts*, and the Acts that there follow.

That no Man Ride or Gang in his Neighbours Corns in Hunting, or Hawking, from *Pasch*, till they be Shorn, and upon Wheat at no time in the year; *Item* That no Partridge be taken till *Michaelmass*, and that no Man range anothers Woods, Hainings, nor Inclosures within Dikes, under the pain of Damages to the Party, and Ten *Pounds* for the First, Twenty *Pounds* for the Second, and Escheat of Moveables for the Third Fault, to the King, *2. M. Par. 6, Cap. 51. And that no Man Hunt, Shoot,*

or

or Slay Deer or Rae in others Inclosures. See it in *Theft*.

That none Hunt or Hawlk, within Six Miles of the Kings Woods, Parks, Castles, and Palaces, under the pain of an Hundred Pounds, half to the King, half to the Delator. *Jam. 6. Par. 14. Cap. 210.*

That no Man Hunt or Hawlk, who hath not a Pleugh of Land in Heretage, under the pain of an Hundred Pounds, half to the King, half to the Delator. *Jam. 6. Par. 23. Cap. 31.*

Husbands.

The Fining of Husbands, for their Wives withdrawing from the Ordinances, declared to be Legal. *Jam. 7. Par. 1. Cap. 6.* But this Act Rescinded, *W. and M. Par. 1. Sess. 2. Cap. 27. and 28.*

I.

Idiotrie.

THAT the Brieve of Idiotrie, bear to enquire of the Folly and Furiosity, and how long time the Person was of these Conditions, to the effect, that all Alienations made by the Fool or Furious person after that time, may be Retreated, as well as Alienations made after serving of the Brieve, *Jam. 3. Par. 8. Cap. 66.*

That the nearest Agnat, or Kinsman of natural Fools, Idiots, and Furious Persons, be Served and preferred to their Tutor or Curatory, after the Disposition of the Common Law, *Jam. 6. Par. 10. Cap. 18.*

Idle men.

That the Sheriff enquire after Idle men, and put them to Work, or Service, or else in Prison, and that the like be done in Burrows, *Jam. 1. Par. 3. Cap. 66. See Beggars, Manufacturies, and Poor.*

Jesuites.

The Acts against Jesuites, See in *Papists and Religion*.

Import, See Forbidden Goods and Trade.

Improbation, See Falshood.

Who offers to Improve a Writ as False, either by way of Action, or exception, should find Caution, or Enact himself to pay a Pain Arbitral, in case he Succumb, half to the Queen, half to the Party,

Party; and where the Kings Advocat pursues, that the Informer find the Caution. *2. M. Par. 7. Cap. 62.*

Incest.

That such as commit Incest, by abusing their Bodies with Persons in degree expressly forbidden by GOD'S Word, *Leviticus Chap. 18.* be punished by Death. *Jam. 6. Par. 1. Cap. 14.*

Inclosures.

That no Man range anothers Inclosures. *2. M. Par. 6, Cap. 51. See it in Hunting.*

Act for making of Inclosures, *Cha. 2. par. 1. Sess 1. cap. 41.*
See it in Planting.

Indemnity, see Oblivion.

Act of Indemnity and Exoneration to them that served the King in the Civil Troubles preceeding. *Jam. 6, par. 7. cap. 109. Anno 1581.*

Indemnity to his Majesties Officers of State 1685: and all that then acted by Lawful Commission for both Commissions and Omissions, *Jam 7 par. 1. cap 31.*

Indorsation, see Execution.

Infestment, see Charter, and Seafin.

A Bounding Infestment proceeding upon the Vassals Resignation, albeit it contain a new Gift, prejudices none and the Bounds and Marches, except the Superior the Granter, *Jam. 6. par. 12. cap. 136.*

Inhibition, and Interdiction, see Summons.

That all Inhibitions and Interdictions with their Executions be Registrare within Forty Days after their Publication and Execution, first in the Books of the Sheriff of the Shire, where the Party dwells: and if he have his Lands or most part thereof, lying in another Shire, in the Books of that Shire also, and that the Clerk give back the Letters and Execution marked by him within Twenty Four Hours, receiving Five Shillings for his pains, and the Extracts to make Faith in all cases, except that of Imprisonation: And that no Inhibition or Interdiction be of Force, but Null, except it be so Registrat, *Jam. 6, par. 7 cap. 119.*

That Inhibitions and Interdictions against Persons dwelling with

within Stewartries and Bailliaries in Regality, be Execute at the Head Burgh, and Registrat in the Books thereof, otherways the Executions and Registrations are Null, *Jam. 6, Par. 15. Cap. 264.*

That these Registrations be made Judicially, or before a Notar and Four Witnesses, beside the Clerk; And if the Sheriff, Stewart, or Baillie refuse, and be thereupon Instrumented, the Letters may be Registrat by the next Sheriff, Stewart, or Baillie, or by the Clerk Register and his Deputs, *Jam. 6, par. 15, cap. 264.* But that part of this Act requiring Nottar and Witnesses Rescinded, and Registrations made by Sheriff, Stewart and Baillie Clerk, or by the Clerk Register and his Deputes declared sufficient. *Jam. 6. par. 16. Cap. 13.*

Inhibitions Statute to be valid against Recognitions arising from posterior Deeds. *Jam. 7. par. 1. Sess. 2, cap. 15.*

Super Inquirendis.

That the Secretary and his Deputes pass no Letters charging Men to compear *Super Inquirendis*, or to enter their Persons in Ward, or do any other Deed, under the pain of Treason and Rebellion, and in case of Failzie, to Denounce, notwithstanding the Superscription of his Highness, or any two or more of his Council, unless they be Subscribed by the Chief Officers of State, at least Four of them, whereof the Chancellor, or Thesaurer, or Secretary one, who shall Answer that the Letters are for Treason, or Matters of the highest Importance. *Jam. 6, par. 10, cap. 13.*

Instrument, *see* Nottar, and Witnesses.

Interloquitors, *see* Judges, and Session.

Interruption, *see* Prescription.
Ireland.

That no Man pass to *Ireland* without Licence. *Jam. 1, par. 3. cap. 61.* And that such as come from *Ireland*, have Certificat of the cause of their coming. *Ibid. cap. 62.* And that they be Examined before their Landing. *Ibid. Cap. 63.* And that it be declared; That this is not done to break Old Friendship with Irishry, but to prevent correspondence with the Kings Rebels there, and *English* Spies; And that the pain of Contraveening be Efficheat of Goods and Body in the Kings Will. *Ibid. cap. 61. and cap. 64.*

Imposition of Three *Pounds* upon each Poll of Victual Imported from *Ireland*: But when Meal and Barley here exceed Eight *pounds*

Pounds the Boll, the Council is Impowered to Remit this Imposition. *Cha. 2, par. 1, Sess. 3, cap. 14.*

Another Act most strictly Prohibiting the Importation of Victual from *Ireland*, or to Reset the same under the pain of Confiscation of Vessel and Goods: and Twelve Hundred pounds upon the Heretors and Magistrates of Burghs within the Shires Named in the Act, incase they or their Tennents or Inhabitants *Respective* Import, or Reset the same: And that they give Bond for this effect: But the Council, when Meal and Beer are at, or exceed Eight pounds, and Wheat at Ten pounds or above, may allow Importations. *Cha. 2, par. 2, Sess. 3, cap. 3.*

This Act altered, and the Victual Imported, Ordered to be Sunk or Destroyed, and the Seizer or Discoverer to have the Vessel, with the half of the Fines *Item*, That no Horse nor Cattel be Imported from *Ireland*, under the pain of Confiscation, and 100 Merks for each Beast, and the knowing Resetter or Buyer, lyable to the same pain; whereof half to the Discoverer, he Pursuing and Instructing within Six Moneths. *Jam. 7, par. 1, Sess. 2, cap. 14.*

These Acts against Importation Ratified, save as to the destroying of the Victual, which is now ordered to be Transported at the sight of the Lords of the Thesaury, and the Pains augmented and made very strick, and extended against Resettlers Retailers, or Buyers wittingly, and all other Accessories. *Item*, These Acts extended against the Importing of Victual from *England*, or any other Countrey, excepting Wheat, Pease and Beans from *England* for Seed, upon lawful entering, and paying Fourty shilling per Boll more than the ordinary Custom. *Item*, For preventing Fraud, a Provision for Transport within Land; But when Wheat is at 12 pound; Beer, Barley, Malt, and Meal at Eight pound, and Oats and Pease at Six pound per Boll; The Privy Council may Dispende. *Item*, That no Horse, Kine, or *Irish* Cattel, or *Irish* Beef be Imported under the same pain, and the Council may give no Licence against this prohibite Import, except in the case above only: *2. Ann. par. 1, cap. 9, Anno 1703.*

Isles, see High-lands, and Argyle.

That Justices and Sheriffs be appointed for the North and South Isles. *Jam. 4. par. 6. cap. 59.*

Judges, or Officiars, see Sheriffs.

That Officiars and Ministers of the Law be appointed, that can hold the Law to the Commons, and that have sufficiently of their own, wherein they may be punished, if they Trespass: And that such as are Infeet in Offices, and not sufficient, Ordain Deputes, for whom they shall be Answerable. *Jam. 1, par. 1, cap. 6.*

Tat all Judges do full Law and Justice, as well to Poor as Rich, but Fraud or Guile; And appoint Advocats for dwelling Folks, at the Kings Direction, who should be saved with

Party, if found in the Wrong; And that Judges refusing to do the Law evenly, be righteously punished. *Jam. 1, par. 2, cap. 45.*

That just Men that knows the Law, be made Justices and other Officers. *Jam. 2, par. 6, cap. 12.*

All Officers Wiltully Trespassing in their Office, Tines the same for Year and Day. *Ibid. cap. 17.*

That Officers or Sheriffs, &c. Faulty or Negligent, if Here-table, Tine their Office for a Year, and if not, for all the time they have it, and both to be farther punished, at the Kings Will. *Jam. 2, par. 14, cap. 76.*

That all Parties first pass to their Judge Ordinary, and pursue Justices, and if he refuse, that he be put from his Office, by the King and his Council for a certain time, and if he failzie and do Wrong, and be an Officer of Fee, that he be put from his Office for Three Years, and if he be not of Fee, that he be put from it for ever, and both the one and the other, shall pay the Expences of the Party, and be in the Kings Will, and the Party plainzeand wrongonfly, shall pay the Judges Expences, and be in Will. And Judges Ordinary shall be holdento Answer for their Deputes and it shall be Leasome for the King to take Decision of any matter that comes before him at his Empleasance, as it was wont to be of before. *Jam. 3, par. 5. cap. 27.*

That in case the Ordinary fail in his Office, both he and the Party be Summoned before the King and his Council, for Justice and Reformation. *Jam. 3, par. 8, cap. 63.*

That all Civil Actions, be first pursued before the Ordinaries, and what Actions are proper for the Lords of Session. *Jam. 3. par. 14. cap. 105.* See it in *Action*; But the Act is only appointed to endure until the next Parliament.

That Sheriffs and other Officers, give the Procefs whether it be of Debt, or Brieves to the Party, on his Expences, for each Act Four Pennies ahenarly. *Jam. 4. par. 5, cap. 67.*

That all Sheriffs and other Temporal Judges, set their Court in all Personal Actions, upon Fifteen Days peremptory, and at the Day proceed summarly, & *de plano*. *Jam. 5, Par. 6, cap 72.*

That all Sheriffs and other Judges, make their Deputes able Men, for whom they will Answer; And that they cause them be Sworn, and that Yearly, if continued, at the Head-Court after *Michaelmass*. *Ibid. cap. 73.*

That all Judges whatsoever, do True and equal Justice, without any Partial Council, Rewards, or Budds, under the pain of Infamy; And if any murmure them falsly, he shall be punished in semblable manner, providing that Spiritual Men be called before their Ordinaries. *Jam. 5. Par. 7, cap. 104.*

That the Depute may be Judge, where the Principal Sheriff, Stewart, or Baillie is the Pursuer. *Jam. 6. Par. 6. cap. 84.* The Act is, *Against the Destroyers of Planting, &c.*

Who striks or hurts any Person, before any Inferiour Judge, sitting in Judgement, pays an Hundred pounds to the Judge Offended: But who striks or hurts any Judge sitting in Judgement, incurs the pain of Death. *Jam. 6, Par. 13, Cap. 173.*

That

That all Interlocutors to be Pronounced by the Lords of Session, or any other Judge, after the first of November 1686, be signed by the President of the Court, and all Extracts not thus Warranted, are declared Null. *Jam. 7, Par. 1, Sess. 2. cap. 3.*

Judicial Proceedings and Judicatures.

The Judicial Proceedings under the *English* Usurpers Ratified, albeit the Authority was Unlawful, in manner set down in the Act. *Cha. 2, par. 1, Sess. 1, Cap. 12.*

Act concerning the Regulation of the Judicatories *Cha. 2, Par. 2, Sess. 3, Cap. 16.*

Commission for Regulation of Judicatures. *Jam. 7, par. 1, Sess. 2, cap. 23.*

Commission for Regulation of Judicatories proceeding on the Commission, given in the Year 1669.

This Commission is granted, and it is full, and in part Execute, as appears by the Articles of Regulation therein concluded, and Authorised by his Majesty, and published, and it is to endure during his Majesties pleasure, and till Recalled. *W. and M. Par. 1, Sess. 4, Cap. 34.*

Jurisdctions.

All Judgements and Jurisdiction, either Spiritual or Temporal, not Approven by the King and Parliament, are Discharged; Certifying the Exercers and Obeyers thereof, that they shall be punished as Usurpers and Contemners of the Kings Authority. *Jam. 6, par. 8, Cap. 231.*

Justice and Justiciarie Court.

Attorneyes in the Justice-Air, should be Honest sufficient Persons. *Jam. 1, Par. 3, cap. 53.*

That the Justice pass through the Countrey Twice in the year after the old Laws. *Jam. 2, Par. 3. cap. 5. Par. 6, cap. 12. Par. 14. cap. 70, Once on the Grass, and once on Corn Jam. 3, Par. 13. cap. 94.*

That Justices, Crowners, and others making Course through the Land, Ride in competent and easy Numbers. *Jam. 2. Par. 6. cap. 20.*

That the Justice-Clerk reveal no mans Action, nor translate any Action otherwayes then was given him, but for the better to the King, nor change names one for another, nor put any out of the Rolls without command of King and Council, under pain of tinfel of his Office, and his Honour and Goeds to be at the Kings will. *Ibid cap 27.*

JusticeAirs need not to be continued, but continue themselves until dissolved by the Justice. *Jam. 3, par. 5. cap. 39.*

All Persons Arrested to the Justice Air, that may be apprehended in the Town the time of the Air, shall be taken and delivered to Justices for to be justified, *Jam. 3, Par. 7. cap. 59.*

That the Justice in his Air in the head Burgh of the Shire, may give an Assise to all Inhabitants of other Burrows of their own neighbours, and failzieing of them, of these of the said head Burgh. *Jam. 4, par. 1, cap. 1.*

That Justice Airs be held twice in the year as above, and that all rise, and come to fortify the Justice, as they shall be by him charged, under the pain to be punished as art and part with the Trespassors. *Jam. 4, par. 3, cap. 29.*

That the Justice-Clerk take forth all Statutes having pain of Dittay in the end, and take up Dittay thereupon, *Jam. 4, par. 4, cap. 45.*

That Justice Heirs be kept for *Dowart, Glentewart, Mor-more, Lochaber, Argyle, and Bute*, as in the Act, *Ja. 4, Par. 6, Cap 45.*

That the Process of Justice Airs or Courts be peremptor at the second Air or Court, so that Fugitives not then compearand, shall be denounced, and their goods Escheat, *Jam. 5, Par. 4. cap. 33.*

The Justice General may set particular Justice courts upon any manner of Crimes, as Recent Slaughter, Mutilation, Fire, Ravilhing, &c, And for depredations, Reiffs and Spulzies, that particular dyets be set at the discretion of the Lords of Session, the matter being first civilly decided, *Ibid. cap 34.*

That no Precept for continuation of any Justice Court be admitted by the Justice or his Deputes, *Jam. 6, par. 11, cap. 79.*

That Justice-Airs be holden twice every year, over all the Shires, in *April* and *October*; And that the Justice General, or His Majesty under the Quarter Seal, make Eight Deputes of the Lords of Session, or Experimented Advocates, two for each Quarter of the Realm, with a Depute from the Thesaurer, and another from the Justice-Clerk; And that Stewartries and Bailliarries come to the head Burrows of their Shires; That these Justices be received at their entry in the Shire, by the Sheriff Principal, or his sufficient Depute, and all the Free-holders warned by Proclamation for that effect, who shall convoy, attend, and accompany them till they be received by the next Sheriff; That the said Justices, upon the morn after coming to the head Burgh, fence the Air, call the suits, and try Offenders Prisoners by an Assise, thereafter Call Pledges and Cautioners, and thirdly, the persons newly indited and Arrested; That they direct Precepts for Summoning Assisers, each person under the pain of Forty pounds. And that the Air being ended, they give a subscribed Extract thereof to the Thesaurers Depute, for uptaking and compting for the Sums [therein contained; in the first end whereof the Charges of the Justices and Clerks are to be allowed; as they shall be modified by the Exchequer, That to prepare for these Justice Courts, the King with the advice of the Chancellor, Thesaurer and Justice-Clerk, give Commission to Honourable Landed Men in each Shire, in number set down in the Act, with Four of the Council of each Burgh within it self, who shall be the Kings Justices, and have power to take up Dittay by

themselves, or a sworn Inquest, or sworn Men, of greater Crimes, and either to apprehend the persons delated, or deliver them in portuous to the Crowner every Moneth, that he may secure them to the next Air, and for lesser Crimes to do Justice themselves, and for that end to meet four times in the Year; first of May, first of August, first of November, and first of February. As also to direct their Precepts to the Crowners, and to Sheriffs, or Officers of Arms, for Summoning Assises, each Person under the pain of Ten pounds, and that they send their Extracts to the Thesaurer, and have their Expences allowed as above: And these Justices of both sorts to endure for a Year, and farther during the Kings Will. *Jam. 6, par. 11, cap. 81.*

Theft or Reiff by broken Borderers, or Highlanders, may be pursued, either before the Lords of Session, or the Justices. *Ibid. cap. 93.* See it in Robbery and Reiff, The Act is, Caution should be found by Land-Lords and others. &c.

That the Justice-Clerk or his Deputes within six days of the return of Criminal Letters, deliver the Names of the Persons denounced, with a note of the Causes, to the Thesaurer or his Clerk, as also the Act of Adjournal, with the Precept thereon, to denounce persons finding Soverty, and not compearing, Fugitive, within the like space after they be decerned, that the Escheats may be taken up. *Jam. 6, Par. 12, cap. 126.*

Who stricks or hurts any person before the Lord Justice or his Deputes sitting in Judgement, incurs the pain of Death. *Jam. 6. par. 13, cap. 173.*

Act concerning the Regulation of the Justice Court, suppressing the Justice Deputes, and adding Five Lords of Session to the Justice-General, and Justice-Clerk; And appointing four of the whole number to be a *Quorum*, Except in Circuits, with Rules attendant the proceeding of the Court. *Cha. 2, par. 2, Sess. 3, cap. 18.* But in time of Vacancy of the Session Three of the saids Commissioners are declared a *Quorum*, and appointed to meet at *Edinburgh* in July yearly. *Cha. 2, par. 3, cap. 22.*

That Citations to Circuit Courts, even for Treason, may be made by Messengers, or Sheriff-Officers instead of Heralds, providing that in the case of Treason the Execution be still verified by Oath. *Jam. 7, par. 1, cap. 29.*

That the Commissioners of Justiciary, and all other Criminal Judges, Advise and Vote with open Doors, in Presence of the Panel and Assise, and all others; but that none presume to speak unless desired, or make any disturbance, under the pain of Imprisonment, allowing always in cases of Rapt, Adultery, and the like, the Commissioners to remove all as formerly, except Parties and Procurators in the time of leading the Probation. *W. and M. par. 1, Sess. 4. cap. 28.*

The Custom of writing the Debate on the Relevancy in Criminal Pursuits before the Lords of Justiciary abrogate, and Statute, that the said debate be made *viva voce*, and that thereafter His Majesties Advocat, &c for the Pursuer give in to the Clerk his Information in Writing, Signed, within 48 Hours to be seen and Answered,

swored; in like manner by the Defender in other 48 Houts, and both to be Recorded by the Clerk, instead of the former Writing, and then read at the Advising, And if any thing new be pointed out by either Judge or Party to be Answered, then the Parties to be heard thereon *viva voce*, and the debate Minuted at sight of the Judges. Item A full Ratification of the Priviledges of the Court of Justiciary, and all its Members. *W. and M. Par. 1, Sess. 5. cap. 4.*

Act in favours of the Five Ordinary Lords Commissioners of the Justiciary, fixing their Salary to Twelve Hundred pound Scots yearly to each of them, and securing the same, as in the Act. 2. *Ann, par. 1, Sess. 5, cap. 4.*

Justices of Peace.

That His Majesty appoint yearly in every Shire sufficient Gentlemen living within the same, to be Justices and Commissioners for keeping the Peace, who should prevent and suppress disorders, as in the Act: As also they are ordained to give true Advertisement to the Lords of Council, Justice General, and others whom it effeirs, of the Names of the best Witnesses and Assisers to be Summoned in all Crimes that shall happen to fall out in the Shires, that such as are unable to Travel, or ignorant, may not be vexed. *Jam. 6, Par. 20. Cap. 7.*

Ratification of the Articles and Instructions given by His Majesty to the Justice of Peace and their Constables. *Jam. 6, Par. 22. cap. 8. Anno 1617, (See them as renewed Anno 1661 in the Act then made.*

The Act 1617 again Ratified and confirmed, with power to the Lords of Privy Council, to improve Penalties on Justices, that keep not their Meetings: As also to amplifie, and enlarge the Power of the Justices, as they shall see cause. *Cha. 1. par. 1, cap. 25*

Commissions and Instructions to the Justices of Peace, and their Constables: The Justices of Peace are to be nominate by His Majesty and Successors, And at their first meeting are to Swear the Oath of Allegiance, and *de fideliz &c.* *Cha. 2, Par. 1. Sess. 1, cap. 38.*

They should meet Four times in the year, the first *Tuesday* of *March*, *May*, and *August*, and last *Tuesday* of *October*, where they should Administrat Justice, set down Fees for Servants, and Prices for Crafts, choose Constables, dispose of Fines, and continue or adjourn their Sessions. *Ibid.*

Any one Justice upon Complaint of a Party, Swearing that he hath just cause to dread another, may bind the other under a Sum to the Peace, and commit him till he find surety, or without complaint he may bind both, unless they purge themselves by Oath of mutual grudge, and these Bonds to be kept by the Clerk of the Peace. *Ibid.*

A Justice of Peace may call and compel any Man to come before him, if his rent exceed not Ten Chalders of Victual; And if such a

Person refuse, the Justice may inform some of His Majesties Privy Council, that he may be Fined, *Ibid.*

If the Sheriff or Baillie hath sentenced an Offender, the Justices have no more Power, But if no satisfaction be ordered to the Party, they may modifie, or if the pain or satisfaction be not condign, they may represent it to the Council, *Ibid.* And so if any Party be thorow collusion acquitted by an Assise, the Party once cleared is not to be farther questioned, but upon their Information, the Judges are to be called, censured, and punished by the Council. *Ibid.*

The Justices have power to proceed on all persons committing Riots, and breaking the Kings Peace, under the degree of a Nobleman, Prelate, Counsellor, or Senator of the Colledge of Justice, and to punish and Fine: And they may refer to Oath, or hold the Party as confessed, if personally apprehended in the first citation, or on the second citation at his Dwelling-house: And for these of a higher degree, that they may charge them to find caution for the Peace, and for their compearance before the Council. *Ibid.*

They should Execute the Acts of Parliament against Beggars, Vagabounds, Idle-persons, and Ægyptians, and their Resettlers, *Ibid.*

They should give order for mending of High-Wayes to, or from Mercat Towns, or Sea-Ports, and punish such as wrong them: And the Breadth of Wayes to Mercat Towns is declared to be Twenty Foot at least, and where larger, they are not to be straitened: And they should maintain the ways to Paroch Kirks, and where they find need of a new way, Inform the Council.

They should Execute the Laws against Cutters and Destroyers of Planting, Green-Wood, Orchards, Gardens, Hainings, Breakers of Dowcats and Cunnigars, Stealers of Bees or Hives, Users of setting Dogs, Slayers of Red and Black Fish Smolts in forbidden time, and Fowlers in other Mens Lands, Makers of Mthir and Mossburn, Setters of Cruves and Zairs in forbidden time, And that Commissions be granted to them to try and Fine the said Offenders, with Warrant to proceed by Witnesses, or Oath of Party: But they may not meddle with such as are not in their Instructions, or are conveyened before any other Judge. And farther, this is declared to be without prejudice of all other Mens Commissions or Rights. *Ibid.*

They should inform the Council, Thesaurer or Advocat, at least once a Year, of Fore-Stallers and Reqrators. *Ibid.*

If the Baron and Master punish not the Hosteler for reset of Rebels, Vagabounds, Masterless, or Suspect persons within Fifteen Days, the Justices may Fine them in Fourty *Shillings* for the first, Four *pounds* for the second, and Ten *Mérks* and lots of Liberty for the third Fault, without prejudice to the greater pains wherein they may be lyable. *Ibid.*

That they inform as said is of the Breakers of the Acts against Malt-makers. *Ibid.*

They shall set down orders in the time of Plague, and punish Disobeyers. *Ibid.*

They

They may compel Servants to serve for their Fees, and also Masters to pay them. *Ibid.*

They should take notice that Prison-houses be kept up, and inform the Council where they are wanting. *Ibid.*

They may rate Paroches for Weekly Rate, not exceeding Five, nor under one *Shillings*, for the Entertainment of poor Prisoners, and see it Applied. *Ibid.*

All Magistrates and Keepers of Prisons shall receive their Prisoners, the Justices seeing to their Entertainment. *Ibid.*

The Justices should set prices for Penny-Bridals, Shearers Fees, and Crafts-mens Work. *Ibid.*

They should cause single and double Ale be Brewed, and appoint Visitors, with consent of the Baron and Master, and punish Drunkards. *Ibid.*

Three Justices of Peace are declared a full number to decide in matters betwixt Sessions. *Ibid.*

Justices of Peace are not chargeable on Letters of Caption. *Ibid.*

They should take care that *Linlithgow* Measure be universally used, and that there be a conformity in Measures and Weights betwixt Head-Burghs and Countrey about, and for that end they may require a Note of the Magistrates and Dean of Gild, of their Weights and Measures, and inform the Council of any wrong. And a Commission granted to certain Persons for that effect.

When required, they shall order their Constables to apprehend Contemners of Church-censures. *Ibid.*

They should keep the Quaver-Sessions. *Ibid.*

They should appoint a Collector, who should find Caution. *Ibid.*

Justices under the degree of a Lord of the Session may have *Fourty shillings per diem* for their attendance (not exceeding three at one time) from their Collector, and such Justices as have the benefit of this allowance, and shall be absent from the Sessions, or when required from other Meetings not excused, shall be lyable to *Fourty Pounds*. *Ibid.*

The Lords of Session are to direct General Letters at the Collectors instance for all Fines on Fifteen days, and no Suspension but upon Consignation of the Fine, and Caution for payment of charges. *Ibid.*

The Justices should send in to the Council after every Quarters Session, a List of the persons committed or put under Severty by them with the Cause. *Ibid.*

They shall Execute the Acts against Cursers and Swearers, or Mockers of Piety, by exacting the pains against Swearing in this Parliament. (*See Swearing*) And that Wives belyable in their Husband, Fines and their Husbands for them. *Ibid.*

As also they shall Execute the Laws against Fornication and exact the pains thereof (*See them in Fornication*) the one half to be applied to Pious Uses, in the Paroch where the Offence was committed, and the other half to be divided betwixt the Informer and Prosecutor and Constable, and other uses, at sight of the Justices. *Ibid.*

That they Execute the Acts against Drunkennets, and Haunters

of Taverns and Ale-houses, and exact the pains statute in this Parliament (*See Drunkenness*).

As also against the Keepers of such Houses as sell them Drink, and apply the same as above. *Ibid.*

That they Execute the Acts against Prophaners of the Lords-Day, and apply the pains as above. *Ibid.*

In hainous Crimes they shall apprehend the persons, and commit, or Bail them, as the Cause allows; take the Accusers Information upon Oath, and bind him to prosecute, take the Deposition of the Witnesses, and bind them to give evidence, And also take the Examination of the accused, all which the Justice, or Justices shall certify to the Quarter Sessions, or Criminal Court Respective. *Ibid.*

If any Nobleman, Baron, or Baillie, acclaim Right to proceed against a Capital Offender, apprehended by a Constable, the Justice shall take Sovery of him to Minister Justice duly, and shall Report the same. *Ibid.*

That the Justice twice in the Year, the first of *December*, and the first of *June*, take up a List of the Poor in every Paroch, and appoint Two or more Overseers to accept, and Discharge Faithfully, under the pain of 20 *lib.* *Ibid.*

The Justices are impowered to call to an account those who exercised that Office, under the late Usurpation, for all Fines imposed by them, and to exact from them what hath not warrantably been disposed of. *Ibid.*

The Acts 1617, 1633, and 1661, anent Justices of Peace, Ratified and confirmed, and their Power applyed against Church Irregularities and Non-conformity, with Power to them to choose their own Clerk. *Item*, The Privy Council is Impowered to Supply Vacancies by Death, and to impose Penalties on the Justices not keeping their Meetings, and to enlarge the Power of the Justices, as shall be found Expedient; but prejudice always to Sheriffs, Stewarts, and Baillies of Bailliarics, Regalities, and Baronies of their Jurisdictions. *Jam. 7, par. 1. cap. 16.* But this Act Rescinded. *W. and M. par. 1, Sess. 2, cap. 27, and 28.*

The Power given to Justices of Peace to Name their own Clerks Rescinded, as being the Secretaries Right. *Jam. 7. par. 1, Sess. 2, Cap. 20.*

Constables.

That the Justices in their Quarter Sessions, appoint two or more Constables in every Paroch, or Great Town, from Six Months to Six Months, but in Burghs Royal, and Free Cities the Constables are to be chosen by the Magistrates, and the Constable refusing to Accept, or Swear, may be by the Justices Imprisoned, and Fined. The Constables Oath is in the Act. *Ibid.*

All the Constables, at least one from each Paroch, in Name of the rest, should attend the Quarter-Sessions, Inform concerning Breaches of the Peace, and the Evidences thereof, and receive the Justices Directions. *Ibid.*

The Constables may Apprehend Night-Walkers, suspect Persons, Vagabounds, Sturdy Beggars, Egyptians, and Idle-Persons, and carry them to the next Justice of Peace. *Ibid.*

The Constables shall Apprehend Persons for Slaughter, Murder, Theft, or any other Crime, and carry them to the next Justice, and require Neighbours to Assist, who refusing shall be punished by the Justices. *Ibid.*

They shall Arrest all wearers of Guns, not being in his Majesties Service, or duly Licensed, and carry them to the next Justice. *Ibid.*

They should Redd Frays, and call thereto the Assistance of the Neighbours, and if they get Skaith, the Justices are to punish the doers of it. *Ibid.*

A Constable may follow a Person that hath made a Fray, to the House he flies to, and require open Doors to be made, and upon refusal take Witnesses. *Ibid.*

In a Fresh Pursuit, he may follow without his Bounds, and require Neighbours to Assist.

The Constables should Execute the Justices of Peace their Orders, *Ibid.*

Upon Complaint, the Constables may Apprehend a Threatner, and carry him with the other to a Justice of Peace, and if he refuse may Imprison him. *Ibid.*

That the Constables and Clerks of the Peace, be payed for their Labours out of the Fines, or otherways, if they fall short, at the sight of the Lords of Exchequer, *Ibid.*

Lastly, The whole Premisses are declared to be without prejudice of any Mans Right or Priviledge of Jurisdiction whatsoever. And therefore the Justices may not Cite any Party, until the expiring of Fifteen Days after the Fact; And then if others neglect, they may Cite and proceed. *Cha. 2. Par. 1. Sess. 2. Cap. 38.*

K.

King, and Kingdom, see Annexation, Dissolution, and Revocation.

THAT the King cause make Trial by Inquest, what Lands belonged to his Predecessors, and he may Summond his Tenents to shew their Charters and Evidents. *Jam. 1. Par. 1. Cap. 9.*

The King hath Right to all Mines of Gold and Silver, if Three half

half pennies of Silver may be Fined out of the Pound of Lead. *Ibid. cap. 12.*

The King may yet strike new Money when him likes. *Ibid. Cap. 23. See Money.*

The Kings Governour during his Government, might not Annulzy from the Crown, Lands fallen to it, throw the Decease of Bastards. *Jam. 1, Par. 10, Cap. 133.*

The Breakers of the Kings Protection should be Punished. *Jam. 1, par. 11, Cap. 134. See it in Protection.*

King James the Second brought by all the Earls, Lords, Barons, and Free-Holders, from the Castle of Edinburgh, to the Abbay of Holy-Rood-House, to be there Crowned, upon the 20 of March, Anno 1437. *Jam. 2, par. 1, Cap. 1.*

The Kings Perfect Age is at Twenty one Years Compleat. *Ibid. Cap. 2.* The Act is; *Revocation of Lands, &c.* And *Jam. 4, par. 2, Cap. 10.* The Act is, *Of the Kings Revocation, &c.*

That the King Ride throw the Realm for the punishing of Crimes, and the Barons are obliged to Assist with their Power, in Bodies, and Gudes, as oft as shall be seen speedful by the Council. *Jam. 2, par. 5, cap. 6.* The Act is, *Of Remead and punition of diverse Crimes.* That it shall be Leasom for the King, to take Decisi- on of any matter that comes before him at his Empleasance, as it was wont to be of before. *Jam. 1, par. 5, Cap. 27.* The Act is, *The Judge Ordinary being Partial, &c.* See it in *Judges.*

That the King present to Benefices belonging to Bihopricks, the Bishop Siege vaiking. *Jam. 3, Par. 11, Cap. 85.*

And that no Man Purchase from Rome Commissions in the con- trary. *Ibid. Cap. 86,* under the pain of Proscription and Treason. *Jam. 4, Par. 1, Cap. 4.*

That no Man break the Kings safe Conduct, under the pain of Death. *Jam. 3, Par. 12, Cap. 38.*

They that withhold the Kings Rents, may be distrenzied upon, and their Persons brought to the King. *Jam. 3, Par. 13, Cap. 91.* See the several Acts for better payment of the Kings Rents, in *Chamberlain, Comptroller, and Exchequer.*

Promise and Oath of the Three Estates, not to Countenance manifest Traitors, and other notorious Malefactors, but that they shall Assist the King in doing Justice against them. *Jam. 3, par. 14, cap. 38. See it in Treason.*

A Council chosen to the King Minor for the time by the Parlia- ment, and made accountable to them, and the King humbles him- self to promit to abide at their Councils, until the next Parliament, and until then, that all Gifts be Granted by the King with their Consent. *Jam. 4, par. 2, cap. 12.*

That no Man Compel the Kings proper Tennents, to do Service By Coaction, or Dread, under the pain of Oppression. *Ibid. Cap. 23.*

The Priviledges and Liberties of the Kings Forrests and Parks, See it in *Forrests.*

That no Man do Contrary the Kings Priviledge Granted him by

the Siege of Rome. *Jam. 5, par. 7, cap. 117. See Benefice and Clergy-man.*

That the Nomination to Prelacies vaiking, pertains to the King, and the Provision to the Pope. *Jam. 5. par. 7. cap. 125. See Prelacies, The Act is, He that takes places of Bishops and Abbots after their Decease, commits Treason.*

Act ordaining all Signatures] and Gifts, granted by King James 5th before his Decease, to be exp^d throw^t the Seals, and perfected notwithstanding his Decease, and the Change of Seals, providing they be presented betwixt and a certain Day. *2. M. par. 1, cap. 1.*

Declaration of the Queens perfect Age, to be at Twenty one Years compleat. *2. M. par. 10 cap. 87.*

The same Declaration made for King James the sixth and his Successors. *Jam, 6, par. 11, cap. 22.*

As also after the running of the *anni utiles* King James his perfect Age of Twenty five Years compleat, is also mentioned. *Jam. 6, par. 12, cap. 159. The Act is, Annexation of the Lands and Annuals mortified to the Ministers and Hospital of Edinburgh.*

That all Kings and Princes, or Magistrates whatsoever holding their place, that shall happen to Reign, or bear Rule over this Realm, at the time of their Coronation, and Receipt of their Princely Authority, Swear to Serve God according to his Word, and according to the same Word, to Maintain the True Religion, the Preaching of the Word, and Right Ministration of the Sacraments, now Received, and to Abolish and Gainstand all False Religions contrary thereto, to Rule the People according to Gods Word, and the Laws of the Land, and to procure peace to all Christian People, to preserve, and keep the Right and Rents of the Crown, to Forbid, and Repress all Oppression and Wrong, and to procure Justice and Equity to all Creatures, and that they shall Root out of their Lands all Hereticks and Enemies to the True Kirk of God. *Jam, 6, par. 1, cap. 8, Anno 1567.*

Ratification of all things done in King James the sixth his Name, and for Maintaining of his Authority by his Regents, and others, since his Coronation, and Annulling all things Acted by any other Authority since that time. *Jam. 6, par. 3, cap. 50.*

Act ratifying the Royal power and Authority over all Estates, as well Spiritual as Temporal, in the person of the King, his Heirs and Successors; And that they and their Councils, are Judges competent to all persons their Subjects, & in all Matters wherein they shall be Summoned, or Charged to Answer such things as shall be Inquired of them, and that none decline the King or his Council in the Premises, under the pain of Treason. *Jam. 5, par. 8, cap. 129.*

No Council, Convention, or Assembly, to Treat or Determine in Matter of State, Civil or Ecclesiastick, (except the ordinary Judicatures) can be held without his Majesties special Command and License, under the pain of unlawful Convocation, *Ibid. cap. 131, (See Convention.)*

This Act Revived and Ratified, and to Explain it so, as not to Extend to Councils and Conventions, kept for Preservation of the King

King, Religion, and Laws, or for the Good of the Kirk, or Kingdom, is declared to be false, and Disloyal. *Car. 2, Sess. 1, cap. 4* The Act is, *Act asserting his Majesties Royal Authority in making of Leagues, and the conventions of the Subjects.*

Act for Establishing a Horse-Guard to the King of Fourty Persons, with Two Hundred pounds yearly the Man; And that for that End the King have the first Years Fruits of all Benefices, (Laick Patronages excepted) with all the Fruits during the vacancy; As also, the fifth Part of the Rents of all the Benefices Yearly, beside the Thirds, that his Highness hath right to; and may Intronet with all Monks and Nuns Portions deceased, or who shall Decease; That the Presentarion, Gift, and Disposition of all Prelacies pertains to the King by Right of his Crown, *Jam. 6, par. 8, cap. 137.*

No Leagues or Bands, may be made amongst the Leidges without the Kings Privity, and Consent, under the pain of Sedition. *Jam. 6. par. 10, cap. 12, See Leagues.* Revived and Ratified with the same Rejection of the false Gloss put upon the Act *Jam. 6, par. 8, cap. 131, above. Car. 2. par. 1, Sess. 1, cap. 4.*

That the Kings Property sustain his House, and that he who Intronetts therewithought to Furnish the Expense of the House in ready Money. *Jam. 6, par. 11. cap. 67.* The Act is, The Comptroller should answer for all Chamberlains.

The Kings Casualties should not be given away in Great *Ibid. cap. 70. See it in Casualty.*

To Strick, Hurt, or Slay any Person within the Kings Inner-chamber, Cabinet, or Chamber of Presence, the King being for the time within the Palace, or within the Kings Council-House the Council sitting; or in the Kings Presence, wherever he be, is Treason, and if it be done within the Inner-Gate of the Kings Palace, where His Highness resides for the time, it is Death. *Jam. 6, Par. 13. Cap. 177.*

The Kings of this Realm being Free Princes of a Sovereign Power, having als great Prerogative as any other King, or Potentate; Therefore they ought to have the like Customs of all Goods Imported, and thereupon the Act imposing the saids Customs proceeds. *Jam. 6. Par. 15. Cap. 251. (See the Act in Customs.)*

The Negligence of the Kings Officers in Pursuing or Defending his Causes, prejudices not His Majesty, but may be Supplied by their Successors in their Offices, without necessity of Reduction. *Jam. 6, Par. 16. Cap. 14.*

That no Man Invade, or Pursue another within a Mile of the place of his Majesties Residence for the time, or resort within his Palace, or Place of Residence, Armed with Jack or Corslet, under the pain of Warding for Year and Day, and Fineing at his Majesties pleasure. *Ibid. Cap. 26.*

Act acknowledging his Majesties Sovereign Authority, and Royal Prerogative over all Estates, Persons, and Causes, Rescinding all Things done, or to be done in the contrary, with a Faithful Promise perpetnally to acknowledge, obey, and maintain, the Life, Honour, Authority, and Royal Prerogative of his Majesty, his Heirs and Successors, with Lives, Lands, and Goods, and to with-
stand

Stand all who shall intend to Impugn, Hurt, or Impair the same, and never to come in the contrary. *Jam. 6. Par. 18. Cap. 1.*

The same Act Ratified, and the Prerogative asserted in K. Charles the first, *Car. 1. Par. 1. Cap. 3.*

The haill Estates acknowledge the King to be Sovereign Monarch^s Absolute Prince, Judge, and Governour over all Persons, Estates and Causes, Spiritual and Temporal within the Realm. *Jam. 6. Par. 18. cap. 1.*

The Temporal Jurisdiction of the Kirk flows from the King only, as all other Jurisdctions do. *Jam. 6. Par. 20. cap. 6.*

The Parliament refers to the Kings appointment to prescribe the Habits of Magistrates, and Commissioners of Burrows, Lords of Session, Inferior Judges and Lawyers, and of all Kirk Men; and in what manner and at what times to be used. *Jam. 6. Par. 20. cap. 8. (See the Act in Apparel.)* And the same Power, as to the Apparel of Kirk Men, is declared to remain with King Charles the first and his Successors. *Car. 1. Par. 1. cap. 3.*

The Indiction of General Assemblies of the Kirk, belongs to the King, by vertue of his Prerogative, *Jam. 6. Par. 21. cap. 1. Rescinded, W. and M. Par. 1. Sess. 2. Cap. 5.*

The naming of the Commissioners for Teinds, and for the Survey of Laws, referred to the King by the Parliament; And therefore they give Warrant to the Clerk, to insert his Majesties Nominations in the Commissions then given in Parliament. *Car. 1. Par. 1. Cap. 20.*

The King in absence of the Lord Chancellor, nominates who shall Preside in Parliament, and other publick Judicatories in his place. *Car. 2. Par. 1. Sess. 1. Cap. 1.*

The King by Prerogative of his Crown, hath the sole Appointment of Officers of State, and Privy Counsellors, and the nomination of the Lords of Session, as preceeding the Year 1637. *Car. 2. Par. 1. Sess. 1. cap. 2.*

As also the Power of Calling, Holding, Proroguing and Dissolving Parliaments, and Conventions of Estates, doth solely reside in the King, his Heirs and Successors; and no Parliament can be kept without the special Warrants and Presence of the King, or his Commissioner, nor any Act or Statute thereof binding, without his special Authority and Approbation interponed thereto, at the making thereof; and that none offer to Impugn, or do in the contrary thereof, under the pain of Treason. *Ibid. Cap. 3.*

For asserting the Prerogative of the Crown (which his Majesty holds from GOD Almighty alone) It's declared, That the Power of Arms, and making of Peace and War, or Treaties and Leagues with Foreign Princes and States, doth properly reside in his Majesty, his Heirs and Successors, and that they have the only Right of Raising the Subjects in Arms, and to Command, Order, Disband, or otherways Dispose of them; And of all Strengths, Forts, or Garrisons within the Kingdom, as they think fit, the Subjects being always free of the Provision, and Maintenance of these Forts and Armies, unless it be concluded in Parliament or Convention; and all Deeds in the contrary of this Act, are declared to be Treasonable

tionable. *Ibid. cap. 5.* And all Acts and Practices contrary to these three last Acts, are thereby Rescinded.

But this Prerogative of making Peace and War Limited, viz, That after her Majesty and the Heirs of her Body, no King nor Queen of *Scotland* and *England* shall have the sole Power of making War without consent of Parliament, and that no Declaration of War otherways made be binding on the Subject, without prejudice to the Sovereign, to raise the Subjects in Arms, for suppressing Insurrections, or repelling Invasions as formerly. *Item* Treaties of Peace, Alliance, or Commerce, are left to the Sovereign with consent of the Estates, who shall declare the War; and all former Acts contrary or inconsistent are Rescinded. *Q. An. Par. 1. cap. 5. 1703.*

That his Majesty holds his Crown Immediately from God Almighty alone, is again asserted. *Car. 2. Par. 1. Sess. 1. cap. 15.* The Act is, *Act Rescinding and Annulling the Pretended Parliament in the year 1641. &c. and par. 3. cap. 2.* The Act is *Act acknowledging and asserting the Right of Succession &c.*

Act condemning the Giving up of King *Charles* the first his Person to the *English* at *Newcastle*, in the Year 1647; and Disclaiming it as no Act of this Kingdom, but only of a Faction for the time, and declaring that if any shall be found Guilty of Transactions, and Bargains of Money, for carrying on the same, they shall be Pursued without Mercy, as the vilest of Traitors, and be Incapable of any Act of Pardon or Oblivion for ever. *Car. 2, par. 1, Sess. 1, cap. 10.*

Offers of Lives and Fortunes, to his Majesty against all Deadly in every Cause wherein his Majesties Person, Authority, or Government may be concerned. As also, in respect of the late Troubles, and that his Majesty hath Signified his Resolution to Raise no more Cess an offer and Grant is made of an yearly Annuity of Fourty Thousand Pounds *sterling* to his Majesty during all the Days of his Life. *Car. 2, par. 1. Sess. 1. cap. 13 See Annuity.*

Act declaring that what shall be determined by His Majesty, with advice of the Bishops and such of the Clergy as he shall name, in the External Government and Policy of the Church, consistent with the Law of the Land, shall be valid and effectual; As also, all Church power, Jurisdiction or Government, is declared to depend upon, and be subordinate to the Kings Sovereign Power as Supreme. And that it is to be Regulated, and Authorised by the Bishops, under His Majesty, to whom they are to be accomptable, and all Acts in the contrary hereof, specially the Act *Jam. 6. par. 12. c. 116.* are rescinded. *Cha. 2. par. 1. Sess. 2. cap. 1. See the Act in Bishops.*

These Positions, That Subjects upon Pretence of Reformation, or upon any other, may enter into Leagues and Covenants, or take up Arms against the King, or that pretending his Authority they may take up Arms against His Person, or these Commissioned by him, or Suspend him from the Exercise of his Government, and put Limitations on their due obedience, and allegiance, are declared to be Treasonable, and Rebellion. *Cha. 2, Par. 1, Sess. 2, cap. 2.* the Act is, *Act for preservation of his Majesties Person, &c. See Treason.*
Act

Act for inbringing the Kings Rents, Ratifying the Act, Jam. 6, Par. 11, Cap. 63 (in Exchequer) cap. 65 (in Chamberlain) cap. 80, in Sheriffs) par. 14, cap. 230 (in Chamberlain) and Par. 15, cap. 262 (in Highlands and Isles) In so far as the same may be extended to the payment of His Majesties Rents. And ordaining Chamberlains, Fewers, Sheriffs, Stewarts, Baillies of Regalities, and others lyable therein, to find Caution conform thereto; And that the Tresaurer, and his Depute, charge them to do the same at the Mercat Cross of *Edinburgh*, and in case of Disobedience denounce them there, and Registrate the Horning in the Tresaurers Register, which are all declared to be sufficient as to the effects of Caption, Escheat, and Liferent; That Sheriffs, Stewarts, and Baillies of Regalities take and apprehend the Kings Fewers denounced for not payment of their Duties, poind their Goods, and do exact Diligence for getting payment within Twenty Days, with certification that they and their Cautioners shall be charged to make payment thereof themselves, under the pain of Rebellion. *Cha. 2, par. 1, Sess. 3, Cap. 15.*

And this Act particularly, and all others generally for bringing in the Kings Rents Ratified; And farther, declaring all Sheriffs, Stewarts, Baillies, or their Deputes of Chamberlains of the Kings Property, who shall not compear and Compt, and make their *Aque's* in Exchequer in *July* Yearly, and being charged, shall therefore be denounced at the Mercat-Cross of *Edinburgh* and Registrate, shall *ipso facto* lose and amit during their Life their Offices, whether Heretable during Life, or at pleasure; As also that all Fewers and other Vassals of the Kings Property, neglecting to make Compt and Payment of their Few Blanch, or Taxt-Ward-Duties, and to receive their *Aques*, so as two years run unpayed, and they be therefore charged, Denounced and Registrate as above, They shall be immediaty lyable for the double of the said haill Duties then due, as if the same were contained in their Reddendo's, but prejudice of all other penalties against the said Non-Accomptants; It is likewise Statute, that all Clerks to the said Sheriffs, Stewarts and Baillies send Lists from time to time to the Thesaury, or Clerks of Exchequer, of all Wards and Marriages, simple or Taxt, falling to vaik within their bounds, bearing the time of the Vassals decease with the Successors Age, and if Married, or not; And that within Six Months after the vacation on the Persons Dying within the Country, under the pain of Tinsel of their Office; And the said Sheriffs, Stewarts, Baillies, and their Deputes are impowered to cause the said Vassals within their Bounds, produce their Charters at *Michaelmas*, or other Dyets they judge convenient, that their Clerks may make a Record of their Reddendo's, and then to return them *gratis*, and that Letters of Horning be hereon directed. *Item*, Poinding for the Kings proper Rents, is sufficient, if done on the ground of the Lands. *Ibid.*

Humble Tender to His Majesty of Twenty Thousand Foot, and Two Thousand Horse for His Majesties Service. *Cha. 2, par. 1, Sess. 3, cap. 26. See it in Militia.*

It belongs to His Majesty, by vertue of his Prerogative, to Order and Dispose of Trade with Foreign Nations, and to lay Restraints and Impositions on Foreign Imported Commodities, and all Acts and Statutes in the contrary are Rescinded. *Ibid. Cap. 27.*

But this Act Rescinded, Reserving His Majesties Customs and Impositions, as now Established. *W. and M. par. 1, Sess. 2. Cap. 7.*

Act Asserting His Majesties Supremacy over all Persons, and in all causes Ecclesiastick, and that by vertue thereof, the Ordering and Disposal of the External Government and Policy of the Church, doth belong to him and his Successors, as an Inherent Right to the Crown, and that he may Enact and Emit such Constitutions, Acts and Orders, concerning the Administration of the said Government, and Persons imployed in the same, and concerning all Church-Meetings and matters to be proposed and determined therein, as he shall think fit, and all Laws and Customs in the contrary are Rescinded. *Cha. 2, par. 2, Sess. 1, cap. 1.*

But this Act Rescinded. *W. and M. Par. 1, Sess. 2, Cap. 1.*

The Kings Succession, or the Succession to the Crown Asserted. *Cha. 2, Par. 3, Cap. 2, See it in Succession.*

Act, Declaring that in respect His Majesty is the Fountain of all Jurisdiction, Therefore, notwithstanding of the Offices conferred upon any, yet he may by himself, or any Commissioner by him, take Cognizance and Decision of any Cases or Causes he pleases. *Cha. 2, Par. 3, Cap. 18.*

But this Act Rescinded, *W. and M. Par. 1, Sess. 2, Cap. 28.*

Declaration of the Kings Sovereign and Absolute Power and Authority, with an offer of Lives and Fortunes to his then Majesty, and Resolve to give him intire Obedience without reserve, *Jam. 7, par. 1, Cap. 2, But this Rescinded, W. and M. par. 1, Sess. 2, cap. 28.*

Act, For a Geographical Description of the Shires of the Kingdom, with an Hydrographical Description of the Isles, Lochs, and Coasts thereof, to be performed by John Adair, upon the Encouragement, and under the Conditions contained in the Act, *Jam. 7, Par. 1, Sess. 2, cap. 21.*

The Claim of Right, Declared by the Convention of Estates 1689; That by the Law of this Kingdom, no Papist can be King or Queen of this Realm, nor bear any Office whatsoever therein, nor can any Protestant Successor Exercise the Regal Power, until He or She Swear the Coronation Oath.

That all Proclamations asserting an Absolute Power, to cass, Annul, and disable Laws; The Erecting Schools and Colledges for Jesuits, the Inverting Protestant Chappels and Churches to publick Mass-Houses, and the allowing Mass to be said, are contrary to Law,

That the allowing of Popish Books to be Printed and dispersed, is contrary to Law.

That the taking the Children of Noblemen, Gentlemen, and others, sending and keeping them Abroad to be bred Papists, the making Fonds and Donations to Popish Schools and Colledges, the be-

bestowing Pensions on Priests, and the perverting Protestants from their Religion, by offers of Places, Preferments and Pensions, are contrary to Law.

That the disarming of Protestants, and employing Papists in the places of greatest Trust, both Civil and Military, the thrusting out Protestants to make room for Papists, and the intrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law.

That the Imposing Oaths without Authority of Parliament, is contrary to Law.

That the giving Gifts or Grants for raising of Money, without the Consent of Parliament, or Convention of Estates, is contrary to Law.

That the Employing the Officers of the Army as Judges through the Kingdom, or imposing them where there were Heretable Offices and Jurisdictions, and the putting the Ledges to Death summarily, without Legal Jury or Record, are contrary to Law.

That the Imposing of extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines and Forfaultures before Sentence, are contrary to Law.

That the Imprisoning Persons, without expressing the Reasons thereof, and delaying to put them to Tryal, is contrary to Law.

That the causing Pursue and Forfeit Persons upon stretchies of Old and obsolete Laws, upon frivolous and weak pretences, upon lame and defective probation, as particularly the late Earl of Argyle, are contrary to Law.

That the nominating and imposing the Magistrates, Councils, and Clerks upon Burghs, contrary to their Liberties, and express Charters, is contrary to Law.

That the sending Letters to the Courts of Justice, Ordaining the Judges to stop or desist from determining Causes, or Ordaining them how to proceed in Causes depending before them, and the changing the nature of the Judges Gifts *ad vitam aut culpam*, into Commissions *durante beneplacito*, are contrary to Law.

That the granting Personal Protections for Civil Debts, is contrary to Law.

That the forcing the Ledges to Depone against themselves in Capital Crimes, however the punishment be restricted, is contrary to Law.

That the using Torture without evidence, or in ordinary Crimes, is contrary to Law.

That the sending of an Army in an Hostile manner, upon any part of the Kingdom, in a peaceable time, and exacting of Locality and any manner of free Quarters, is contrary to Law.

That the charging of the Ledges with Law-Burrows at the Kings instance, and imposing of Bonds, without the Authority of Parliament, and the suspending Advocates from their Employment, for not compearing, when such Bonds were offered, were contrary to Law.

That the putting of Garrisons in private Mens Houses in time of Peace, without their consent, or the Authority of Parliament, is contrary to Law.

That the Opinions of the Lords of Session in the two cases following were contrary to Law. *viz.* 1. That the concealing the demand of a Supply, for a Forfaulted Person, although not given is Treason. 2. That Persons refusing to discover, what are their private thoughts and Judgements, in Relation to points of Treason, or other Mens Actions, are guilty of Treason.

That the Fineing Husbands for their Wives withdrawing from the Church, was contrary to Law.

That Prelacy, and the Superiority of any Office in the Church above Presbyters is, and hath been a great and unsupportable Grievance and Trouble to the Nation, and contrary to the Inclinations of the generality of the People, ever since the Reformation (they having Reformed from Popery by Presbyters) and therefore ought to be abolished.

That it is the Right and Priviledge of the Subjects, to protest for remeid of Law, to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop Execution of these Sentences.

That it is the Right of the Subjects, to Petition the King: And that all Imprisonments and Prosecutions for such Petitioning, are contrary to Law.

That for Redress of all Grievances, and for the amending, strengthening, and preserving of the Laws, Parliaments ought to be frequently called, and allowed to sit, and the freedom of Speech and Debate secured to the Members.

And they do Claim, Demand, and insist upon all and sundry the Premises, as their undoubted Rights and Liberties; and that no Declarations, Doings, or Proceedings, to the prejudice of the People in any of the said Premises, ought in any wise to be drawn hereafter in consequence or Example; but that all Forfaultures, Fines, loss of Offices, Imprisonments, Banishments, Pursuits, Persecutions, Tortures, and Rigorous Executions be considered, and the Parties lesed be Redressed.

To which demand of their Rights, and Redressing of their Grievances, they are particularly encouraged by His Majesty the King of England His Declaration for the Kingdom of Scotland, of the Day of October last, as being the only means for obtaining a full Redress and Remedy thereto.

Having therefore an entire Confidence, that His said Majesty the King of England, will perfect the Deliverance so far advanced by Him, and will still preserve them from the violation of their Rights, which they have here asserted, and from all other Attempts upon their Religion, Laws and Liberties.

The said Estates of the Kingdom of Scotland, Do Resolve, That William and Mary, King and Queen of England, France, and Ireland, be, and be declared King and Queen of Scotland, To hold the Crown and Royal Dignity of the said Kingdom of Scotland,

land, to them the said King and Queen, during their Lives, and the longest Liver of them; and that the sole and full Exercise of the Regal Power be only in, and Exercised by him the said King, in the Names of the said King and Queen, during their Joynt Lives; and after their Decease, the said Crown and Royal Dignity of the said Kingdom, to be to the Heirs of the Body of the said Queen; Which Failzieing, to the Princess *Ann* of *Denmark*, and the Heirs of her Body; which also failzieing to the Heirs of the Body of the said *William* King of *England*.

And they do Pray the said King and Queen of *England* to accept the same accordingly.

And that the Oath hereafter mentioned be taken by all Protestants, of whom the Oath of Allegiance, and any other Oaths and Declarations might be required by Law, instead of them; And that the said Oath of Allegiance, and other Oaths and Declarations may be abrogated. *Convention, Act 13. April 11. Anno 1689.*

Act declaring it High Treason, to quarrel, impugne, or endeavour by Writing, malicious and advised speaking, or other open Act or deed, to alter or innovate the Claim of Right, or any Article thereof. *2. Ann, Par. 1. cap. 3. 1703.*

Act for Security of the Kingdom, That no Commission Civil or Military, or any Court, cease or become void by the Death of His Majesty, or any of his Successors, but that they continue for the space of Six Moneths, unless stopt or recalled by the next Successor, according to the Claim of Right. Item, It is Enacted, that this Parliament, or any other in being, in the event foresaid, shall continue to sit, or at least meet Twenty Days thereafter, and sit for Six Moneths, unless Adjourned and Dissolved sooner by the said Successor; And if there be no Parliament at the time, the Parliament immediately preceeding shall meet, as said is, but the said Parliament meeting by this Act, shall only have Power to Act for the Defence of the true Established Religion, maintaining the said Succession, and securing the Peace, but no wayes to alter the Government, or standing Laws: But nothing in this Act to prejudice, or derogate from the Royal Prerogative. *W. Par. 1, Sess. 6, cap. 17.*

But this Act Rescinded and a new Act for the Security of the Kingdom made, 5 August 1703; *Queen Ann, Par. 1, Sess. 2, Cap. 3.* But this Act now vacated by the Union of the Two Kingdoms.

Act Suspending the Musterrings appointed by this last Act, during this Session of Parliament. *2. Ann, Par. 1, Sess. 4, cap. 3. Anno 1706.*

Act Discharging the said Musters, and continuing the said Suspension, till the first Day of January next. *2. Ann, Par. 1, Sess. 4, cap. 10. Anno 1707.*

King James.

The Grounds and Reasons for which King James is declared
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ed to have Forefaulted his Right to the Crown, whereby the Throne became Vacant, See the Declaration of the Estates Convention, Act 14. 11 April 1689.

King William and Queen Mary.

The Crown settled upon King William and Queen Mary, *Ibid.* See in Kingdom.

Their Coronation Oath, *Convention Act 21*, the same in substance with that appointed. *Jam. 6. Par. 1. Cap. 8.*

Act Recognizing and acknowledging Their Majesties Royal Power and Authority, and declaring it high Treason, to disown or impugn the same by Writing, or any other way. *W. and M. Par. 1, cap. 2.*

Queen Ann.

Act Asserting and Recognizing Her Majesties Royal Power and Authority, and Her undoubted Right and Title to the Imperial Crown of this Kingdom; Declaring it to be High Treason, by Writing, Speaking, or otherwayes, to disown, Quarrel, or Impugn Her Majesties said Power, Authority or Right: And it is farther Statute, That the Oath of Allegiance with Assurance subjoined to the Act, shall be Sworn and Subscribed by all in publick Trust, according to the Act 1693, for taking the same; and the manner is Recommended to the Privy Council. *Q. Ann, Par. 1. cap. 1. Anno 1702.*

Act Asserting and Recognizing Her Majesties Right and Title, as above, Declaring it high Treason to disown or Impugn the same, or Her Exercise of the Government from Her actual entry thereto, *Q. Ann, Par. 1, Cap. 1. 1703.*

Kipper, see Salmond.

Kirk, see Manfes, and Ministers, and Teinds.

That the Holy Kirk and its Ministers bruik their freedoms, and none let them to set their Lands and Teinds. *Jam. 1. Par. 1. Cap. 1.*

That Holy Kirk be kept in Freedom, and no Man vex Kirkmen in their Persons and Goods, under all highest Charge. *Jam. 2. Par. 3. cap. 4.*

That the Liberty and Honour of Holy Kirk be observed. *Jam. 3. Par. 1, cap. 1. and Par. 5. Cap. 26. Jam. 4. Par. 2. Cap. 7. Jam. 5. Par. 1. Cap. 1, and Par. 7, cap. 125. The Act is, He that takes places of Bishops, &c. and Jam. 6. Par. 11. Cap. 23.*

That

That General Proceſs, and Curſing, be made againſt the breakers of the Liberty of Holy-Kirk, and that no nottour Invaſor, of the Kirk, nor Curſed Perſons, be received in the Kings Palace, Preſence, Council, or Parliament; nor heard in any Cauſe, till they make Amends, Aſſiſh Party, and obtain Abſolution. *Jam. 2, par. 4, cap. 7. See Curſing and Excommunication.*

Perturbers of the Kirk in time of Divine Service or Preaching, Incur the pains following; The Prelate or Lord Ten Pounds, The Baron or Inferiour Eccleſiaſtick Dignity Five Pounds, The Freeholder, Burgeſs, or other Beneficed Man, Fourty Shillings, and others Twenty Shillings, for the firſt Fault; doubling thereof for the Second; and Warding and Banifhing Year and Day for the Third: And that the Kirk-Maſters gar Leith Bairns that Perturbs the Kirk. *Q. M. Par. 5, Cap. 17.*

That a Perſon under Curſing, reſuſing to remove (being charged) in the time of Divine Service, be puniſhed as a Perturber. *Ibid. cap. 18.*

That no Horning be Direct againſt Kirk-men for payment of their Tax, providing the Clergy find ſome other ſure way for inbringing thereof. *Q. M. par. 6, cap. 55.*

That the Lords of Council put order to the Reparelling of Kirks, and Kirk-Yards. *Q. M. par. 9, cap. 76.*

Ratification of this Act, and the Councils order following thereon, upon the Thirteenth of September 1563, with this Addition, That where the Parochiners reſuſe to Elect Perſons, to Tax themſelves; or where there are no Deacons, to Collect it, That there the Biſhops may choſe both Stent-maſters and Collectors, That the Abſtracters of the Materials of Kirks Demoliſhed, may be conveened therefore before the Biſhop, and that Letters of Horning be direct on their Sentences. *Jam. 5, par. 3, cap. 54.*

That the Miniſters of the Evangel, and People profeſſing Chriſt, as offered in the Goſpel, and Communicating in the Sacraments, as now Adminiſtrate, conform to the Confeſſion of Faith, are Chriſts True and Holy Kirk, And that all that Gainſay the ſaid Evangel as Profeſſed, or reſuſe the ſaid Sacraments, are no Members of the ſaid Kirk. *Jam. 6, par. 1, cap. 6, Anno 1567. Ratified, par. 3. cap. 47, and par. 6, cap. 68.*

That the Examination and Admiſſion of Miniſters, be only in the Power of the ſaid Kirk, without prejudice to the Patrons Rights. *Jam. 6, par. 1, cap. 7. See Patrons, The Teinds are ſaid to be the Patrimony of the Kirk. Ibid. cap. 10. The Act is. Anent the Thirds of Benefices, &c.*

Ratification of all Civil Priviledges granted to Kirk-men. *Ibid. cap. 24.*

Ratification of all former Acts in Favours of the True Kirk, and Religion then Profeſſed. *Jam. 6, par. 2, cap. 35, Anno 1571. par. 5, cap. 61. par. 6, cap. 68. par. 7, cap. 99. (This Act contains a full Enumeration of the Acts therein Ratified.) Jam. 6, par. 12, cap. 114. (whereby the Acts Par. 6, cap. 68, and par. 7, cap. 99, are more eſpecially Confirmed, and Presbyterian Government Eſtabliſhed) and Jam. 6, par. 16, cap. 16.*

The Jurisdiction of the Kirk Declared to stand in the Preaching of the Word, Correction of Manners, and Administration of the Sacraments; And that there be no other Face of Kirk, than what is now Established, And that there be no other Ecclesiastick Jurisdiction within this Realm anent the Premises, but what is in, and flows from the said Kirk. *Jam. 6, par. 6, cap. 69.*

That Troublers of the Kirk, or who raises any Fray therein, or in the Kirk-yard, the time of Divine Service, be punished by Tinfel of all their Moveables. *Jam. 6, Par. 11, cap. 27.*

Act, Establishing Presbytery in its General and Provincial Assemblies, Presbyteries, and Kirk Sessions, with the whole Jurisdiction and Discipline of the Kirk, as agreed to by the King and the Kirk, and contained in certain Articles insert in the Act: As also Abrogating some particular Acts, and all other in General for the Popes Authority, with an Act *Jam. 3*, for observing the Saturday and other Vigils; An Act *2. M.* For holding *Pasch* and *Tuill*, and all other Acts and Laws against the True Kirk, Jurisdiction and Discipline thereof, are Abrogate: It is also Declared that the Act, *Jam. 6, par. 8, cap. 131*, Confirming the Kings Royal Power, doth not Derogate from the Power of the Spiritual Office-Bearers in the Kirk, concerning Religion, Heresy, Excommunication, Collation, and Deprivation of Ministers, and such like Essential Censures, specially warranted by Gods Word, and all Presentations are ordained to be made to Presbyteries. *Jam. 6, par. 12, cap. 116.* But this Act Abrogate first in part. *Jam 6. par. 21, cap. 1.* And then totally, *Cha. 2, par. 1, Sess. 2, cap. 1*, both in *Bishops*.

All Committers of Slaughter, within Kirks or Kirk-yards, the time of Prayer, Preaching or Ministering the Sacraments, being Denounced therefore, and all declared Refettors of them after their said Denunciation, Time their Liferents as well as their simple Escheats to the King. *Jam. 6, par. 12, cap. 118.*

A Person being Charged by the Beddle, and thereafter by the Minister of the Paroch, three several Sabbaths from Pulpit, in the Name of God and the King, to obey a Sentence of the Kirk against him; and refusing, may be Cited upon Supplication of the Judicatory that gave the Sentence, before the Lords of Session, that Letters of Horning, on an Charge of Ten Days, be Direct against him in case of Disobedience. *Jam, 6, par. 13, cap. 160.*

All Common Kirks declared to be of the Nature of other Parsonages and Vicarages, and ordained to be conferred to Ministers by Presentation and Collation. *Jam. 6, par. 14, cap. 196.*

That the Parochiners Repair the Kirk-yard Dykes, with Stone and Morter to the Height of two Ells, with sufficient Stiles and Entries, and that the Lords of Session direct Letters hereupon as effects. *Jam, 6, par. 15, cap. 232.*

That Synods of the Kirk of every Diocy, be held Twice a Year, in *April* and *October*, and where the Diocy is large, that there be Two or Three Synods, in convenient places for the Ministers their ease. *Jam. 6, par. 21, cap. 1.*

That Kirks be provided of Basons and Lavers for Baptism, and
Cups,

Cups, Tables, and Table-Cloaths, for the Holy Communion, at the Expence of the Parochiners: And that the Minister keep the same, and he and his Heirs and Executors be Answerable therefore, in case they be either lost or used to Prophane Uses, and that the Ministers raise Letters and do Diligence hereupon, betwixt and the first of February 1618. *Jam. 6, Par. 22, Cap. 6.*

Act, Establishing and Confirming the Presbyterian Church Government and Discipline; That is, the Government of the Church, by Kirk-Sessions Presbyteries, Provincial Synods, and General Assemblies; Ratified by the Act. *Jam. 6, par. 12, cap. 124, Anno 1592.* And thereafter Generally Received to be the only Government of Christs Church within this Kingdom, Reviving the said Act 1592, but Rescinding the Acts. *Jam. 6, par. 18, cap. 2. par. 21, cap. 1, par. 23, cap. 1, Cha. 2, par. 1, Sess. 2, cap. 1, par. 3, cap. 5. par. 2. Sess. 2, cap. 2, par. 3, cap. 2, and 6.* With all other Acts in so far as contrary to, or inconsistent with the Protestant Religion, and Presbyterian Government here Established: And the Exercise of Church Government settled in the Hands of Presbyterian Ministers, Outed for Non-Conformity, since the first of January 1661; And such Ministers and Elders, as they have Admitted, or shall Admit: The rest of the Act is for the Execution of this Settlement in that Juncture. *W. and M. par. 1, Sess. 2, cap. 5.*

This Act Ratified, and that none be admitted or continued to be a Minister or Preacher in this Church, unless they first Swear, and Subscribe the *Confession of Faith*, as the Confession of their Faith, and that they will constantly adhere to it; As likeways, that they Own *Presbyterian Government*, as now Settled, to be the only Government of this Church, and will submit thereto, and never endeavour the Prejudice thereof. *Item*, That Uniformity of Worship and Ordinances, as now performed and Authorized, be Observed by all Ministers and Preachers, And that they Subscribe to Observe, and do Observe the same: And the Estates of Parliament Address Their Majesties for an Assembly, That all Ministers may be Assumed in the Terms foresaid, or Deposed; but if they make an Offer, they are to be Protected, unless they be proven to be Scandalous, Erroneous, Negligent or Insufficient, within 30 Days after their Application, *Item*, It is recommended to the first Assembly to appoint Commissioners to be chosen in a due proportion to the Churches in every Presbytery, to make the Representation equal. *Item*. All School-Masters and Teachers in Schools, are declared lyable to the Trial and Censure of the Presbytery of the Bounds; And the Privy Council and all Magistrates and Officers of Justice, are to assist to make the Sentences and Censures of the Church to be obeyed, or otherwise Effectual. *Sess. 4. cap. 23.*

That where Preachers not settled, are Employed to Preach in Vacant Kirks north the Water of Forth, they have 20 Marks for their Preaching each LORDS Day Forenoon and Afternoon, out of the Vacant Stipends of the said Kirks, upon a Certificat of the Presb.

Presbytery of the Bounds. And Presbyteries are Impowered to appoint Factors in their Respective Bounds, to uplift as much as will pay the said Twenty Merks, and all Advocations or Suspensions, save on Consignation, Discharged; and the wrongous Suspenders, to a Fifth part more, and these Factors to be Comptable to the Preachers, and to have a Tenth Part more for their Pains. *W. and M. par. 1. Sess. 5. cap. 15.*

This Act Extended to Preachers settled at of another Presbytery, *Ib c. 27*, And if they Preach alone at the Kirk, tho not both Forenoon and Afternoon; and the Power of the Factors Extended against any single Heretor, if liable in as much, or the Patron or General Collector in case they have uplifted. *Sess. 6. cap. 13.*

That who Intrudes into any Church, Manse, or Benefice, or Exercises any part of the Ministerial Function, in any Paroch, without a lawful Call from the Paroch, and Admission by the Presbytery, be Removed and Declared incapable for seven Years, by any ordinary Judge or Magistrate, upon Complaint of the Presbytery, upon whose Sentence, proceeding on a Citation of Ten Days, Letters are to be direct. *Item.* A Recommendation to the Council to Remove all Intruders, and to stop and hinder all Ministers Deposed, or who shall be Deposed, to Exercise any Act of their Ministerial Function. *W. and M. Par. 1. Sess. 5. Cap. 22.*

Act Indulging such as were actual Ministers before his Majesty's Accession to the Crown, and under no Sentence since, but did not qualifie themselves according to the Act, *Sess. 4.* this Parliament, to Qualifie themselves betwixt and the first of September 1695, and so to continue in their Kirks without middleing farther, till they be assumed. *Item,* It is Declared, that when ever a Minister shall be assumed by the Kirk, he shall be admitted to Qualifie himself. *Item.* The Act 1669, forbidding Suspensions of Ministers Stipends, save on Discharges or Consignation Ratified, and Advocations are Discharged *simpliciter*; *Item,* That Ministers Charges and Actions for their Stipends before the Lords be summarly discussed, and that the Wrongous Suspenders be Decerned in a Fifth Part more, with what the Lords shall find farther Reasonable. *Cap. 27. Ibid.*

That none oppose by Rabbling, Tumult, or any Violence, any Minister duely sent to Supply the Vacancy of, or Exercise the Ministry in any Paroch, under the Pain of 100 *libs.* each Heretor or Liferenter, and of 50 Merks every Unlanded Person *toties quoties*, or to be Punished Corporally by the Council, and to this case is Extended the Act. *Car. 1. par. 1. cap. 7. In Ministers.* And the Heretor or Liferenter, in whose Bounds any of the Rabblers resides, is bound upon Intimation by the Minister Injured, or of the Presbytery to produce them; wherein if they Failzie, or suffer thereafter the said Rabbler, to Haunt openly within their Bounds by the space of 20 Days, they shall be held to be Art and Part, and so Punished by the Council. *Item.* When the Keys of Kirks are refused to be given up to Presbyteries, the next Magistrate or Justice of Peace, if required, is Bound to make the Doors patent, and put new Locks thereon, and give the Keys to the Presbytery, under the

Pain

Pain of 100 *libs.* attour the Presbyteries Expences, to be Inflicted by the Council, for the use of the Poor. *Sess. 7. cap. 2. Ibid.*

Act for Maintaining the Church of CHRIST, and for establishing and confirming the Presbyterian Church Government and Discipline, and Ratifying particularly the Act 1690, Intituled, *Act Ratifying the Confession of Faith, and settling Presbyterian Church Government*, but prejudicial to the Act 1695, Intituled *Act concerning the Church. 2. A. par. 3. Anno 1702. cap. 3.*

Act for securing the true Protestant Religion, and for Establishing Presbyterian Church Government as above. *2. A. par. 1. cap. 2. 1703.*

Act for securing the Protestant Religion and Presbyterian Church Government. See it at length in the Act ratifying the Union. *2. A. par. 1. Sess. 4. cap. 6. Anno 1707.*

Kirk-Lands.

That no Few or Tack of Kirk-Lands obtained since the sixth of *March 1558*, be good Title for Warning and Removing the kindly Tennents and Possessors of the same, until *Whitsunday 1566*, without the Queens Licence had in Writ; and that no Kirk-Man whatsoever set Fewes or Tacks of Kirk-Lands for the space of Three Years next to come, without the like Licence. *2. M. par. 9. cap. 77.*

That all Confirmations to be granted by the *Queen*, of Infestments of Kirk-Lands given since the sixth of *March 1558*, be also valid as the Popes Confirmation was of before, providing that such of the saids Infestments as are not Confirmed be of no Avail. *2. M. Par. 10 cap. 88.*

That all Fewes of Kirk-Lands set, either before or after the Eight of *March 1558*, be brought in and Confirmed for the Rates mentioned in the Act; And that all such Fewes set, or to be set, and not confirmed, be Null by way of Exception, and also Reducible at the instance of the Kings Advocate for this sole Reason, *Jam. 6. par. 9. cap. 7.*

But this Act as to all Fewes set preceeding the Eight of *March 1558*, in this manner corrected; That all Fewes set by Prelates of old, being Authorized by the Subscription of King *James the fifth*, or any of his Predecessors, and their Privy Seal, are declared to be Good, Valid, Lawful, and perfect, and as Effectual as if the Pope, or Kings most solemn Confirmation were therewith produced. *Jam. 6. par. 13. cap. 187.*

That no Erection of Kirk-Lands or Teinds in Temporal Lordships, made since the Act of Annexation 1587, be Ratified, and that none be made in time coming, Declaring the same to be null, excepting all Erections of Parts of Kirk-Lands already erected, in Favours of such, who since the Act of Annexation have been made solemnly by Lords of Parliament, by Belting and other Ceremonies, and have sitten therein. *Jam. 6. par. 12. cap. 121.*

All Erections granted and Ratified since the Act of Annexation of

of the Temporalities of the Kirk 1587, and not therein Excepted & Rescinded and Declared Null. *Jam. 6. par. 14. cap. 195.*

The Superiorities of all Kirk-Lands, with the Casualties of the saids Superiorities, not Disposed before the Commission of Surrender, dated the 17 of *January* 1627; And also the whole Few-Mails, and other Rents thereof since the said Commission, Declared to belong to the King, Reserving to the Titulars of Erection, as in the Act of Annexation then made. *Car. 1. Par. 1. cap. 10.* And that all Right of Property the said Superiours had the time of the said Surrender, be holden of His Majesty, as it held before the Erection, excepting the Superiorities belonging to Arch-Bishops, and Bishops and their Chapters from this Act. *Cha. 1. par. 1. cap. 14. See the said Act of Annexation. Cha. 1. par. 1. cap. 10. with the Ratification thereof. Cha. 2, par. 1. Sess. 1. cap. 53. In Annexation.*

All the Superiorities that formerly pertained to Bishops, Chapters, and their depending Offices, declared to pertain to their Majesties, and the Vassals to hold of them in the same manner without any Interposition, which is by this Act excluded, albeit the Vassal should consent. *W. and M. par 1. Sess. 2, cap. 29.* That Vassals of Kirk-Lands, Valued 10 *libs.* or under, may pass their Charters at the Great Seal *per saltum gratis*, if an Hundred Pounds or under to Ten *libs.* their Signatures and Charters to pass throw Registers and Seals, for Ten *libs.* for all Dues and Fees whatsoever, if 20 *libs.* or under to 100 *libs.* for 15 *libs.* in like manner. *Item*, That they pay no Seafin Ox; and their Dues to the Sheriff for their *Aque's* not to exceed the Twenty part of their Few-Duties, And the Vassals of Kirk-Lands in *Orkney* and *Zetland*, not exceeding 20 *libs.* in Valuation, to bruik by the Udal Right, without Renovation of their Rights and Infestments. *W. and M. par. 1, Sess. 2, cap. 32.* But the said Vassals of 100 *libs.* not only allowed the above Priviledge of Vassals of 10 *libs.* of Valuation and under, but the special Services and Precepts for Infesting their Heirs, to be exped in Chancellary for Ten Merks, with the other Priviledges in the Act immediately above. *Sess. 7. cap. 12, Ibid.*

Act Discharging and Renouncing the Reversion of Kirk-Lands provided to the King, by the Act of Annexation. *Cha. 1, par. 1. cap 10.* For Redeeming from Lords of Erection their Superiorities and the Few-Duties thereof, Dissolved from the Crown, and ordained to remain with the Lords of Erection and their Assignes irredeemably for ever. *2. An. par. 1. Sess. 4, cap. 11, Anno 1707.*

L.

Labouring.

MEN of simple Estate that should be labourers, should either have half an Ox in the Plough, or else Delve each Day seven Foot square, under the pain of an Ox to the King. *Jam. 1. par. 2. cap. 41.*

That each Man having a Plough of eight Oxen, Sow at least 2 Firlof of Wheat, half a Firlof of Pease, and fourty Beans Yearly, under the pain of Ten *shillings*, to be exacted by the Baron, who is to Sow as much on his own Domains, and to exact the said Fine from his Tenents, under the pain of fourty *shillings*. *Jam. 1. par. 5. cap. 81. and Jam. 2. par. 14. cap. 81.*

Land-lords.

That every Master, that is Lord, Baron, and Free-holder, answer for his own Men, Dwelling upon his Bounds within the Shire, to Enter them to the Law, or be lyable for their Un-law. *Jam. 5. par. 3. cap. 6.*

That all Masters, and namely Land-lords within Towns, be holden to enter and present to Justice, Persons within their Bounds, or Dwelling in their Houses, suspect to be Theives, Harlots, Refetters of Theft, or Vagabounds: And that therefore the Land-lords within Towns or their Suburbs, take Soverty of their Tenents for their Releif. *Jam. 6. par. 14. cap. 227.* at the Marginal Note of Tenents and Indwellers in other Mens Houses; The Act is, *For punishment of Theft, Reiff, &c.*

That Land-lords and Masters be lyable for their Tenents, Contraband, and Servants Sentenced for field Conventicles, or Reset of Preachers Intercommuned, or declared Fugitive, either to pay their Fines, or to put them out of their Lands or Service, or to present them to Justice, as in the Act. *Cha. 2. par. 3. cap. 4.* The Act is, *For securing the Peace of the Country.*

Lantern, see Fire.

Law-Borrows.

When two Parties are Assured by Burrows, if any Friend to either Slay the other, he shall Die therefore, and his Goods be Escheat. And if he feloniously Hurt, or Defoul, Assail and with Edge or Ure, he shall be Imprisoned, Assith the Party, and make Amends to the King or Lord as effeirs. *Jam. 1. par. 6. cap. 98.*

If a Man dread another, and ask Soverty, and prove his Ground of Fear by his own Oath, or otherways; if the Sheriff do not his Office, he pays fourty *pounds* to the King, and Assiths the Party. *Jam. 1. par. 9. cap. 129.*

That in the Case foresaid, the Sheriff and other Officers take Burrows of Peace after the former Act. *Jam. 2. par. 6. cap. 12.*

The Pains of breaking of Lawborrows declared to be according to the Degree and Quality of the Person on whom they are broken; But the Act is only appointed to endure until the next Parliament. *Jam. 3. par. 1. cap. 5.*

That upon Complaint of a Party Lawborrows be found, that he shall be Harmless and Skaithless, in his Person or Goods, under what Pain the Lord Chancellour or Justice shall Modifie. *Jam. 4. par. 3. cap. 27.*

That the Pains of Lawborrows be divided betwixt the King and the Party, and that the Party have Action therefore. *Jam. 6. par. 6. cap. 77. and par. 13. cap. 168.*

That the Form of Letters of Lawborrows, Charge the Persons Complained upon, to find Lawborrows, that the Chargers, their Wives, Bairns, Tenents and Servants, shall be Harmless and Skaithless in their Bodies, Lands, and Possessions, Goods and Gear, and on noways to be Molested or Troubled therein, by the Persons Charged, or any other of their Causing, Sending, Bounding, Resetting, Command, Assistance and Ratihabition, whom they may stop or let, directly or indirectly, otherways than by order of Law and Justice, under great Pains, to be Modified by the Lords of Session, and other Judges Ordinary, and divided as in the former Act. *Jam. 6. par. 7. cap. 117. See Pains, and the Pains of Lawborrows there set down, by the Act. Jam. 6. par. 13. cap. 16.*

That no Letters of Lawborrows be granted against Complices in General, and that Caution be found to the Justice-Clerk, and his Depute, that they shall be duely Execute. *Jam. 6. par. 11. cap. 85. See Executions.*

That the Person Charged by Letters of Lawborrows be lyable to the Pains of Contravention, albeit he be Denounced for not finding Caution, and that in case of Caution found, both he and his Cautioner be lyable. *Jam. 6. par. 15. cap. 269.*

Laws, *see* Parliament.

That all the Kings Leidges Live and be Governed by the Kings Laws, and under no particular Laws, nor Laws of other Countries. *Jam. 1. par. 3. cap. 48.* And this is specially Statute for the Isles. *Jam. 4. par. 6. cap. 79.* And these Acts Ratified, and all Jurisdictions not Authorized by King and Parliament discharged. *Jam. 6. par. 8. cap. 131. See Jurisdictions.*

Commission for Revising and Mending the Books of Law, that is, *Regiam Majestatem*, and *Quoniam Attachamenta*. *Jam. 1. par. 3. cap. 54.* Laws should be extended *ad futura*, and *non ad preteritum*. *Jam. 6. par. 10. cap. 19.* The Act is, *Addition to the Act anent double Poinding*: See it in *Poinding*. and *Jam. 6. par. 13. cap. 182.* See it in *Prelacies*.

Leagues and Bands.

That no Leagues nor Bands, be made amongst the Kings Leidges, and that such as are made be not kept. *Jam. 1. par. 2. cap. 30.*

That no Leagues, nor raising of Commons, be made in Burrows, to the hindering of the Law, but at Command of the Head Officiar, under the Pain of Confiscation of Goods, and their Lives to be at the Kings Will. *Jam. 2. par. 14. cap. 77. Jam. 4. par. 3. cap. 34. and par. 6. cap. 87. Ratified Jam. 6. par. 18. cap. 17.*

That all Leagues made in time bygone among the Subjects be Null

Null, and that none be made in time coming, under the Pain of Warding, during the Queens pleasure. *Q. M. par. 6. cap. 43. See Man-Rent.*

And this Act Ratified, Annuling all Leagues and Bands already made in the contrary, and discharging any to be made in time coming, without his Highness Privity and Consent, under the Pain to the Makers to be holden and Execute as movers of Sedition. *Jam. 6, par, 10, cap. 12.*

Revived and Ratified, and that to Explain this Act, so as not to extend to Leagues and Bands made for preserving the King, Religion and Laws, for the Good of Kirk and Kingdom, is False and Disloyal. *Cha. 2. par. 1. sess. 1. cap. 4.* The Act is, *Act Asserting his Majesties Royal Prerogative in making of Leagues, &c.*

The Kings Authority and true Religion to be Maintained against all Enemies, specially those of the Holy League, bound to Execute the Decrees of *Trent. Jam. 6. Par. 3. cap. 48.*

That the League called the *Solemn League and Covenant*, and all that followed thereon, are not obligatory on this Kingdom, to meddle or interpose by Arms, or any seditious Way, in any thing concerning the Religion and Government of the Churches of *England and Ireland*, or his Majesty's Government there, and that none require the Renewing or Swearing, or Renew and Swear the said League and Covenant, or any other Covenant or Oath, concerning the Government of the Church or Kingdom, without his Majesty's special Warrant and Approbation, under all highest Peril. *Car. 2. par. 1. sess. 1. cap. 7.* And this League and Covenant is thereafter declared Null and Void, *Car. 2. par. 1. sess. 2, cap. 2,* The Act is, *Act for Preservation of his Majesty's Person, &c.* and appointed to be Disclaimed and Renounced by the Declaration enjoined for that effect: *ibid. cap. 5, and sess. 3, cap. 2, See Declaration and Test. Car. 2, par 3, cap. 6.*

Leasing-making.

Leasing Makers and Tellers of them to the Engendering of Discord between the King and his People, tine Life and Goods to the King. *Jam. 1. par. 2. cap. 43.* Extended to such as make evil Information of the King to his Leidges, as well as to these that make Leasings to the King of his Leidges. *Jam. 5. par. 6. cap. 83.*

Speakers of unreasonable Communing to the occasioning of Conspiracy against the Prince, or of Sedition, to be punished at the Queens pleasure, and that the Hearer make report to the Queen or her Officers, under the same Pain. *Q. M. Par. 6. cap. 60.* The *Preface of the Act* mentions the sowing of evil Brute anent the *French* then in the Realm.

That all such as privately or publickly in Sermons, Declarations, or familiar Conferences utters sclanderous or untrue Speeches to the Réproach of his Majesty, his Council and Proceedings, or to the Dishonour or Hurt of his Highness, his Parents or Progenitors; or who hear the same, and report not with Diligence; or who meddle in the Affairs of his Highness, and his Estate, present, bygone, and in time coming, be punished as Leasing-makers. *Jam. 6. Par. 8. cap. 134.*

That none deprave his Majesty's Laws and Acts of Parliament, or misconstrue his Proceedings, to the moving of any Mislake betwixt his Highness and his Subjects, under the Pain of Death. *Jam. 6. par. 10. cap. 10.*

And all these Acts ratified (except that of *Q. M.*) with this Addition, that Hearers and not Apprehenders, if in their Power, and Concealers, and not Revealers, be punished as the principal Offenders. *Jam. 6. par. 14. cap. 205.*

And these Acts extended against the Authors or Publishers of scandalous Speeches, or Writs of the Estate, People, or Countrey of *England*, or any Counsellour thereof, tending to the remembrance of ancient Grudges, or the hinderance of the then intended Union, or whereby Hatred may be Fostered, or Mislaking raised between his Majesty's Subjects of this Island: And they are ordained to be severely punished in their Persons and Goods at his Majesty's pleasure: And sicklike of Hearers and Concealers. *Jam. 6. par. 20. cap. 9.*

Act abrogating and discharging in time coming the Sanction under Pain of Death and Confiscation contained in the above Acts; and ordains that for hereafter the punishment of the Crimes therein be only Arbitrary, by Fining, Imprisonment or Banishment; or, if the Offender be Poor, then Corporal, Life and Limbs always preserved. *Q. A. par. 1. cap. 4. 1703.*

Lentron.

That no Man unlicenced eat Flesh in Lentron or other forbidden times, under the Pain of Confiscation of all their Moveables; and if they have none, that they be punished in their Persons. *Q. M. par. 6. cap. 36.*

That no Man eat Flesh in Lentron, or on *Wednesday, Friday, and Saturday*, under the same Pain of Escheat. *Jam. 6. par. 9. cap. 5.*

Ratified, and that no Licences be Granted in the contrary, without the Testimonial of a Doctor of Medicine or a Minister, and twenty *libs*, of Composition payed therefore, and that for a Licence to Slay, and Fell, or to a Cook to make Ready, be payed an hundred *libs*. *Jam. 6. par. 11. cap. 58.*

Lentron defined to be from the first of *March* inclusive, to the first of *May* exclusive; and the former Acts ratified: But innovating the Pains as follows, and that no Lambs, or young Veals, be slain or eaten, under the Pain of ten *libs* for the first, twenty *libs* for the second, and forty *libs* for the third Fault, and so the Pain to grow as the Offence multiplies; and that in each Burgh Searchers be appointed, one by the Thesaurer, another by the Burgh, to pursue Offenders, and the half of the Penalties to the King, and the other half to the Burgh; and that no Licences be granted without a Testimonial of a Minister and Doctor of Medicine, Apothecary or Chirurgeon; and that it be of no Force unless the Testimonial be produced with it. *Jam. 6. par. 14. cap. 221.*

Leper-Folk.

Order anent Leper-Folk. *Jam. 1. par. 7. cap. 106.*

Letters,

Letters, *see* Horning.

Levy, *see* Militia.

Levy of 2979 Foot given to his Majesty, in pursuance of the Act Car. 2. par. 1. sess. 3. cap. 26. and according to the Proportions therein set down; for which their Majesties declare, that the Militia was not to be called out for a Year and a half after the 23 of May 1693, except in the case of an actual Invasion. W. and M. par 1. sess. 4. cap. 7.

Act for furnishing a Levy of 1000 Men Yearly, for the then War, until the next Session of Parliament. *Item*, That no Officer Taken on, or Press any free Leidge, unless by Agreement attained by him before the Judge of the Bounds. Sess. 5. cap. 33. *ibid*.

This Act renewed for another 1000 Men Yearly, and that no Officer Press, as above, Sess. 6. cap. 23.

Liberty, *see* Prison, and Imprisonment.

Licences.

That Licences granted by his Majesty for Transporting forbidden Goods, be subscribed by the Comptroller, otherways are of no avail. Jam. 6. Par. 10. cap. 15.

That all Licences and Exemptions, from Raids and Assises, or for Transporting forbidden Goods, be subscribed by the Thesaurer, and Registrate in his Register, otherways are Null. Jam. 6. Par. 12. cap. 126. The Act is, *The Names of Rebels should be delivered to the Thesaurer, &c.*

That all Licences for Exporting or Importing of forbidden Goods be granted by the Privy Council, and Composed, and past all the Seals, or otherways they are Null. Jam. 6. Par. 16. cap. 15.

Liferenter, *see* Conjunct-Fier.

Linnen Yairn, and Cloath.

That no Linnen Yairn be Exported under the Pain of Confiscation, half to the King, and half to the Attacher: That Linnen Yairn be sold by Weight, and that no Reell be shorter than ten Quarters, under the Pain of Escheat of the Yairn brought to the Mercat, of a shorter Reell, to be divided as said is: That all Linnen Cloath of the Price of ten shillings the Eln, or above, be made of the breadth of an Eln and two Inches, under the Pain of Imprisonment of the Weaver for fourteen Days, and twenty *lbs* besides to the Judge Ordinary, and the Escheat of the Cloath to the Attacher; and that Linnen Cloath be taken up by the Selvedge, and not by the Ridge; and that it be Bleached without Lime, under the Pain of twenty *lbs* for each Fault, to be payed to the Judge Ordinary. Cha. 2. Par. 1. sess. 1. cap. 43. The Act is, *Act discharging the Exportation of Linnen Yairn, &c.*

That all Linnen Cloath brought to Mercat, be made up of Pieces and half Pieces, the Piece twenty four, and the half Piece twelve Elms; and that it contain not one Elm more or less, under the Pain of Confiscation, and that Linnen be taken up in Folds. *Car. 2. par. 3. cap. 12. The Act contains several other things.*

Act anent the Selling of Linnen Yairn, and the Working and Measuring of Linnen Cloath, and how the same should be made up and Marked for Export; See the Act, and the Act *Jam. 7. par. 1. sess. 2. cap. 16.* for Burying in Scots Linnen ratified; but all sorts of Linnen Cloath for private Use, or made in the Western Isles, may be made of such Length and Breadth as the Owners shall think fit.

That all Muslin, plain or stript, or Camrick, or other Linnen made in Scotland, pay Custom for the Export only as Scots Linnen. *W. and M. par. 1. sess. 5. cap. 19.* But this Act rescinded, and all Linnen and Wollen Manufacture whatsoever, declared free of Duty at the Exportation. *2. A. par. 1. sess. 3. cap. 6. an. 1705.*

Lint.

That no Green Lint be laid in Lochs, or Burns, under the Pain of forty shillings, and Confiscation of the Lint, *toties quoties*, to the Poor of the Paroch; and the Kirk Sessions are Impowered to Execute this Act. *Jam. 6. par. 18. cap. 13.*

Litster.

That no Litster be Draper, or a Cloath Merchant, under the pain of Escheat. *Jam. 2. par. 14. cap. 66.*

Locality.

All Localities for furnishing and carrying Corn, Straw, Hay, or Grass, to Soldiers Horses discharged, as in the Act. *Car. 2. par. 3. cap. 3.* The Act is, *For a voluntary Offer of a new Supply to the King's Majesty.*

Loch Leven.

That none slay Pykes, Peaches, Trouts, or any other Fishes, in the Waters, Stripes, or Burns that fall into, or run from Loch-Leven, within the space of five Miles thereto, under the pain of twenty *libs toties quoties*, Declared to appertain to the Earl of Mortoun and his Son, Proprietors of the said Loch, and their Heirs and Successors: And for that End they are Impowered by themselves, or their Bailies, to convene and try Offenders, within the Town of *Kinrosser*; and Letters of Horning on six Days are ordained to be directed on their Sentences. *Car. 1. par. 1. cap. 29.*

Loosing of Arrestment, See Arrestment.

Low-Countries, See Conservator.

That an Incorporation be made of the Scots in the Low-Countries, and

and their Privileges; Ordaining the Scots residing there, and pretending to the saids Privileges, to give their Oath of Obedience to the King, and his Laws, as if they were Dwelling in *Scotland*, and that they pay for their Entries ten *libs Flemish*; and the Persons refusers, to be deprived of all Benefit of, or Commerce with his Highness Leidges. *Jam. 6. par. 6. cap. 96.*

That no Ship passand to the *Low-Countries*, Land any Man's Goods but at *Campvere*, or the ordinary Staple, and that no Person go on Land, or take any thing out of the Ship, until his Arrival there, under the pain of ten *libs Flemish*; and the *Conservator* should take the Merchant and Skippers Oaths thereanent. *Jam. 6, par. 15. cap. 258.*

That Merchants coming from the *Low-Countries* give to the *Conservator* an Accompt of the Quantity and Quality of their Goods, under the pain of Confiscation thereof, and that a subscribed Cocquet thereof be sent home to the Thesaurer. *ibid. cap. 260.*

Lyon King of Arms.

That he hold two peremptor Courts in the Year in *Edinburgh*, upon the 6th of May, and 6th of November, and call Officers of Arms and their Cautioners, upon Complaints, and Try them; and if culpable, that he not only Deprive them, but that the Cautioner incur the pain, whereof a third to the Lyon; and that his Decrees be Registered, and that Letters conform pass thereupon, as effects. *Jam. 6. par. 11. cap. 46. See Messengers.*

The Lyon and his Brethren the *Heraulds*, are Impowered to Visit the whole Arms of Noblemen and Gentlemen, and to distinguish them with congruent Differences, and matriculate them in their Books: As also, to Inhibite such to bear Arms, as by the Law of Arms ought not to bear them, under the pain of Escheating the thing whereupon the saids Arms are found to the King, and of an hundred *libs* to the Lyon, and his Brethren, or of Imprisonment during the Lyon's pleasure: That by the Advice of the Lords of Session, he Deprive such Officers of Arms, as he finds unworthy, and take Sovery of the rest, with Power to add to their Injunctions, by Advice of the saids Lords: That all Magistrates (as required) concur with the Lyon to Execute the Act in his favours, under the pain of Rebellion, with Certification that Letters shall be direct against them *simpliciter*. *Jam. 6. par. 12. cap. 125.*

That the Lyon deliver to the Thesaurer or his Clerk, the Names of the Officiars standing, and of their Cautioners; as also those deprived. *Ibid. cap. 126.* The Act is, *The Names of all Rebels should be delivered to the Thesaurer.*

That the Lyon and his Clerk, be Charged twice a Year, to produce their Books, of the Soverties of Officiars of Arms to the Thesaurer, for geting in the half of the Penalties of such as are Deprived. *Jam. 6. par. 14. cap. 208.*

Act Ratifying the Act. *Jam. 6. par. 12. cap. 125.* as to the Lyon's Power of Visiting of Arms, and Ordering all Arms and Signs Armorial, to be produced to him, to be matriculate and duly Distinguished, that he may give Extracts, for which to be payed by Prelates and Noble men.

men twenty *merks*; by Knights and Barons, ten *merks*; and by every other Person bearing Arms, five *merks*; and who uses Arms otherways, to be liable in the pains of the said former Act: The Lyon and his Brethren, are likewise declared Judges, as to the Malversation of Messengers, and to have all other Privileges belonging to their Offices. *Cha. 2. par. 2. sess. 3. cap. 21.*

M.

Made Work.

THAT no Tradesman import Work belonging to his Trade, or Vend the same, or any such Ware brought Home by Merchants, in their Shops, or otherways, under the Pain of Confiscation, half to the King, half to the Apprehender, and Pursuer. *Cha. 2. Par. 1. sess. 1. cap. 47. See Craft and Trade.*

Maires, *see* Messengers.

Macers.

That Macers be sworn to be Faithful and Secret, and the Price of their Labours two *shillings*. *Jam. 5. Par. 5, cap. 62, and 63. See it in Session.*

Malt and Maltmen.

That all Malt-makers, present their Malt to the Mercat, and sell none till nine Hours, under the Pain of Escheat of the Malt, and that they take no more than an Boll of the Bear, for making the Chalder of Malt, under the Pain of Oppression. *Jam. 4. Par. 6. cap. 92.*

That Malt-makers, take only two *shillings* more for the Boll of Malt, than the Boll of Bear is sold for, under the Pain of Escheat of the Malt, and of Oppression. *Jam. 5. Par. 4. cap. 29.*

That Maltmen have no Deacons, nor to be repute Craft for ever. *Jam. 6. Par. 1. cap. 29.*

Ratified, Abrogating an Act of the Town of Edinburgh anno 1645, whereby Maltmen and Brewers were made one of their Trades, and they are discharged all Meetings or Correspondence in any Burgh, under the Pain of five hundred *merks* the Man *toties quoties*, half to the Informer, and what further personal Pains the Privy Council shall please to Inflict. *Cha. 2. Par. 2. sess. 1. cap. 15.*

That all Malt sold and bought, be delivered with the heap Firlot, and that under the Pain of ten *libs. toties quoties*, for Buyer and Seller, besides the Escheat of the Malt to the Informer, and this Act to stand till the next Session of Parliament, and no longer. *W. Par. 1. Sess. 6. cap. 37.*

Man-Rent.

All Bands of Man-Rent, or Maintainance already given, declared Null, except heretable Bands given of before, or given for the Assitment of Slaughter in time bygone, and all such Bands are discharged for the future, and that all Deeds done or given therefore return to the

the Givers, and that the Givers or Takers of such Bands in time coming be punished by Warding. *2. M. Par. 6. cap. 43.* This Act is, *Anent Leagues and Bands.*

Manse, and Gleib.

That no Parson, Vicar, or other Kirk-men, set in Feu, or long Tacks, their Manse or Gleibs, without the Queens Licence; That the Minister serving the Cure have the principal Manse of the Parson or Vicar, or so much of it as may staick him, whether the Gleib be set of before or not, or that a reasonable House be Built him by the Parson or Vicar, or their Feuers, or Tacksmen, and so much Lands thereto Annexed, as shall be appointed thereafter. *2. M. Par. 9. cap. 72.*

And for Explanation of this Act, It is appointed, that the Parson or Vicar's Manse, most ewest to the Kirk, with four Aikers, or so much as there is of the Gleib, most ewest to the Manse, shall pertain to the Minister, or Reader serving at the Kirk, to be designed by the Bishop, with Advice of two honest Men of the Paroch; and that on the Bishops Testimonial, and the Parties Bill, Letters be direct on ten Days, Charging the Possessors to Remove; That their Manse and Gleibs be not Annalzied, or set in Feu, or Tack, in prejudice of the Successor: That if the Feuer or Tacksman have made sumptuous Biggings, or be unwilling to Remove, then the Bishop to agree the Matter, by getting the Minister another Manse, as good as the Manse set was, the time of setting, with certain Aikers of Land adjacent thereto; or otherways that the Feuer or Tacksman remove *simpliciter*: But the Feuer or Tacksman removed, is to have a Deduction of his Mail, and also of his Entries Silver, *secundum ratam.* *Jam. 6. Par. 3. cap. 48.*

These Acts extended to all Abbacies and Cathedral Kirks, where no other Parson, or Vicar's Manse was of before, so that the Minister serving the Cure, is to have a sufficient Manse within the precinct (or else the Abbot or Feuer is to give him one alse ewest and commodious) together with four Aikers of the best, and most commodious Land lying contigue, and most ewest to the Manse which pertained to the Abbacy, or any Member thereof. *Jam. 6. Par. 12. cap. 116.*

That where of Old there has been no Gleib, or the Gleib less then the four Aikers, that the Designation be made of the Parson, Vicar, Abbot, or Prioress Lands, and failzying thereof, out of the Bishops Lands, Friers Lands, or any other Kirk-Lands within the Paroch; and that Gleibs be Designed with freedom of Foggage, Fewel, Fail, Devot, Loaning, free Isch and Entry, and other Privileges, according to Use and Wont. *Jam. 6. Par. 13. cap. 161.*

That the Feuers, Possessors, and Tacksmen, out of whose Lands, as most ewest to the Kirk, Manse and Gleibs are Designed, have releif of the other Feuers, Possessors, and Tacksmen within the same Paroch, *pro rata.* *Jam. 6. Par. 14. cap. 199.*

That where there is no arable Land adjacent to the Kirk, four Soums-Grass, of the best and most commodious Pasturage of Kirk-Lands,

Lands, within the Paroch be Designed, in manner foresaid, for each of the said four Aikers. *Jam. 6. Par. 18. cap. 7.*

And as Gleibs are Teind-free, *Jam. 6. Par. 5. cap. 62. (in Gleibs)* so are their Soums-Grafs. *Jam. 6. Par. 23. cap. 10. See Gleib.*

That all Bishops and other Ecclesiastick Persons, Build and Repair their Manses, and if they suffer them to Decay, that their Executors be lyable to their Successors; As also, that their Successors be obliged to give Satisfaction to their Executors for Expences of Reparation they shall make, at the sight of two or three Bishops, not exceeding a thousand *libs*, if they be Prelates, and five hundred *merks* if they be inferior Ministers. *Jam. 6. Par. 21. cap. 8.*

That where competent Manses are not, the Heretors of the Paroch, at sight of the Bishop, or such Ministers as he shall appoint, with two or three discreet Men of the Paroch, Build compleat Manses, not exceeding a thousand *libs*, nor under five hundred *merks* Value, and where competent Manses are already, that the Heretors relieve the Minister, or his Executors of the Expences of Repairing the same, and these things being once done, the Manse to be upheld by the Incumbent during his time, and by the Heretors in time of Vacancy, out of the readiest vacant Stipends; And that Ministers have Fewel, Foggage, Fail and Devots, according to the Act. *Jam. 6. Par. 13. cap. 161. (above)* And that Ministers (except Ministers in Burghs, that have no Right to Gleibs) have Grafs for one Horse, and two Kine, to be Designed, and with relief, as above; and if there be no Kirk-Land near the Manse, or the same be Arable, that then the Heretors pay the Minister twenty *libs*. Yearly for his Grafs, and be relieved as said is. That no incorporate Aikers in Village, or Town, where the Heretor hath Houses and Gardens, be designed for Gleibs, and this Act is drawn back to the fourteenth of *March 1649. Cha. 2. Par. 1. sess. 3. cap. 21.*

Manufactory.

Act for Erecting of Manufactories, Granting several Powers, Immunities and Privileges in their behalf, as in the Act; and particularly, that all Materials useful for Manufactories, that shall be Imported, be Free of Custom, Excise and other publick Dues; And that no Native or Stranger Export any Materials useful for Manufactories, until made in Work, or put to the best Avail, under the Pain of the Value, half to the King, half to the Informer and Pursuer, and such further Punishment as the Exchequer shall appoint. *Cha. 2. Par. 1. sess. 1. cap. 40.*

All Lint-Seed, Hemp-Seed, and Steel Imported, are declared to be Exempted from publick Dues, as Materials useful for Manufactories, conform to the Provision contained in the said Act. *Cha. 2. Par. 1. sess. 3. cap. 20.*

Act, for Erecting Companies, for Prosecuting the saids Manufactories; with several Powers and Privileges in the Act, and generally with all Privileges granted, or that shall be granted, to the Societies of Fishers. *Cha. 2. Par. 1. sess. 1. cap. 42.*

That Masters of Manufactories may Seize, and Imploy Vagabounds, and Idle poor Persons, in their Works for ten Years, in manner

manner set down in the Act. *Cha. 2. Par. 1. sess. 3. cap. 16.* See it in *Poor.*

Ratification of all Acts for Encouraging of Manufactories, as in the Act, specially, the Act *Cha. 2. Par. 1. sess. 1. cap. 43.* (See it in *Linnen*) and *Cha. 1. Par. 1. sess. 1. cap. 46.* (See it in *Forbidden Goods*) *Cha. 2. Par. 3. cap. 12.*

Marriage.

That who Marries two Wives, or two Husbands, both Living, Undivorced, be punished as Perjured, by Escheat of Moveables, Warding Year and Day, and Infamy. *2. M. Par. 5. cap. 19.*

That Marriage be as Free as Gods Word allows, and that Seconds in Degrees of Consanguinity and Affinity, and all out with those contained in Gods Word, might have Married lawfully, since the eight of *March 1558*, and may do so in time coming. *Jam. 6. Par. 1. cap. 15.*

The Man or Wife wilfully diverting by the space of four Years, may be Cited and Sentenced to Adhere, and thereon Charged, and Denounced, and after privy Admonitions direct by the Bishop, the Minister of the Paroch, by the Bishops order shall admonish him Publickly, and proceed to Excommunication, in which Case the Parties obstinacy shall be an sufficient Cause of Divorce, and the Offender shall fine the Tocher & *donationes propter nuptias.* *Jam. 6. Par. 4. cap. 55.*

That whoever Marries in a clandestine unorderly Way, or by Persons not Authorized by the Kirk, shall be Imprisoned for three Months, and beside shall pay, the Nobleman an thousand *libs*, the Gentleman and Burgeß five hundred *libs*, and each other person an hundred *merks*; and that they remain in Prison while they pay, and the Fines to be applyed to pious Uses of the Paroch where they dwell; that the Celebrator be Banished, not to return under the Pain of Death; That none of the Parties, where both reside in *Scotland*, get themselves Married in *England*, without Proclamation of Banns in *Scotland*, and against the order of this Kirk, under the Pain, a Nobleman a thousand *libs*, a Landed Gentleman a thousand *merks*, a Burgeß five hundred *libs*, each other substantial Person five hundred *merks*, a Yeoman a hundred *libs*, and each inferior Person a hundred *merks*, half to the King, half to the Paroch: And that the King or Kirks Advocate pursue the Contraveener of this Act, and that such as are unable to pay, be punished with Stocks and Irons, and all without prejudice of the Kirk-Censures. *Cha. 2. Par. 1. sess. 1. cap. 34.*

But now this Prosecution of clandestine Marriages is allowed to every Procurator Fiscal. *W. and M. Par. 1. sess. 5. cap. 12.* And farther, the Persons so Married, are obliged when required to declare the Names of the Celebrator and Witnesßes, under the Pains, the Nobleman two thousand *libs*, the Landed Gentleman two thousand *merks*, any other Gentleman or Burgeß a thousand *libs*, any other two hundred *merks*, and to be Imprisoned till they declare and pay. *Item*, The Celebrator may be summarly Seized by any Magistrate or Justice of Peace, and is punishable by the Council, not only with Banish-

Banishment, but by such pecunial or corporal Pains, as they shall think fit. *Item*, The Witnesses made lyable in the Sum of a hundred *libs toties quoties*, for pious Uses, *ut supra*, *sess. 7. cap. 6. ibid.*

It is farther Statute, That who Marries by any Person not lawfully Ordained, or Authorized thereto, he and she amit their *jus Mariti*, and *jus Relictæ*. *Cha. 2. Par. 2. sess. 3. cap. 9.* The Act is, *Act against unlawful Ordinations.*

The Expences of Marriages Regulate, *Cha. 2. Par. 3. cap. 14.*

Marriage Casualties.

That in Service of Heirs, holding Lands Ward, Taxt, or Feu, *cum Maritagio*, the Inquest retour the Taxt, for the Marriage, and of the Feu *cum Maritagio*, that it may be insert in the Precept. *Cha. 2. Par. 2. sess. 3. cap. 14.*

Meal.

That after the first of *January 1697*, all Meal be bought and sold by weight, *viz.* eight Stone Trois, in place of the Boll, *Linlithgow* Measure, under the Pain of Escheat of the Meal to the Informer, and the Imprisonment of the Seller for eight Days, which all Judges are to Execute, under the Pain of double the value. *W. and M. Par. 1. sess. 6. cap. 6.*

Shyre of Merns.

That the Court place thereof be removed from *Kincardine*, to *Stonehyve*. *Jam. 6. Par. 16. cap. 27.*

Ratified, And that the said Burgh of *Stonehyve*, and Mercat-Cross thereof, be the head Burgh and place of all Executions and Publications within the Shyre. *Jam. 6. Par. 19. cap. 7.*

Mercat, see Burghs, Cocquet, Low-Countries, and Ships.

Towns and Paroches, which had Mercats on the Sabbath, which are now Prohibite, may choice any other Day in the Week for holding the same, if it be not the Mercat-day of the next Town, *Jam. 6. Par. 12. cap. 122.*

That no Royal Burgh keep Mercat on Munday, or Saturday, under the Pain of an hundred *merks*, but that they change the same to other Days; but Flethers in these Burghs, may keep Flesh-Mercats on these Days: *Cha. 2. Par. 1. sess. 3. cap. 19.*

This Act ratified, and all Burghs of Regality and Barony, and other Mercat Towns are allowed to change their weekly Mercat-Days, from Saturday and Munday, to any other Day of the Week, providing they make Intimation to the next adjacent Burghs, and pitch not on the Mercat-Day of any Burgh Royal, or Mercat Town, within four Miles; but Flethers are excepted as above. *W. and M. Par. 1. sess. 5. Cap. 14.*

Mer-

Merchants.

That no Merchants pass over the Sea in Merchandice, unless he have of his own, or under his Government, at least, three Serplaitis, or two hundred twenty four Stone of Wool, or the value, under the pain of ten *libs*, and this to be tryed by an Inquest. *Jam. 1. Par. 2. cap. 38. Jam. 2. Par. 14. cap. 67.* Or having in his own half a Last of Goods, or so much in Steerage, and Governance, *Jam. 3. Par. 2. cap. 13. and Par. 14. cap. 106. Jam. 4. Par. 2. cap. 14. and Jam. 5. Par. 4. cap. 24.* In which last Act the Pain is made twenty *libs*, and the Execution very strict.

That Sailers in Merchandice be Freemen, Indwellers of Burghs, *Jam. 2. Par. 14. cap. 67.* This Act is said to be made by the Clergy, and Barons: And the same is Statute, *Jam. 3. Par. 2. cap. 11. and Par. 14. cap. 106.*

That no Man of Craft use, nor Sail in Merchandice, unless he Renounce his Craft, *Jam. 3. Par. 2. cap. 12.* under the Pain of Escheat of the Merchandice, *Jam. 3. Par. 14. cap. 107.* See Ships.

That no Gudes be sent to the Swyn or Sluise, the Dam, or Bruges, *Jam. 3. Par. 2. cap. 16.* But that Merchants sail to Rochel, Bourdeaux, France and Normandy, and that Staple-Goods remain in Staple, and pass to no Mercat, under the Pain of five *libs*. *Ibid. cap. 17.*

That no Ship be Fraughted, or Merchants sail therein, with Gudes to Flanders, but twice in the Year, that is to say, to Pasch-Mercat, and Rude-Mercat, under the Pain of twenty *libs* to the King, *Jam. 5. Par. 4. cap. 31.*

That every Merchant sailing with, or sending forth a Last of Gudes, bring Home two Hagbutes, or Mettal for making the same, according to his Pack, with Powder and Calmes, *Jam. 5. Par. 7. cap. 95.*

That no Unfreeman use Traffique, specially in the Low-Countries, under the Pain of Escheat of all their Moveables, two thirds to the King, and a third to the Conservator. *Jam. 6. Par. 6. cap. 97. and Par. 19. cap. 6.* (See it in Burghs.)

That all Merchants and Skippers at the receiving of their Cocquets, swear that they have no forbidden Gudes; nor other lawful Gudes, except what is in their Cocquets; nor shall take in other Gudes all that Voyage, otherways the Ship and Gudes, at least the Gudes of the refuser to Swear, shall be Arrested and Confiscate, *Jam. 6. Par. 15. cap. 257.* See Low-Countries.

That Merchants imploy not Aliens as Factors beyond Seas. *Car. 2. Par. 1. sess. 1. cap. 44.* See Factor: The Act is, For Encouraging of Shipping and Navigation.

Act Regulating Trade and Merchandice, betwixt the Royal Burghs and others. *Cha. 2. par. 2. sess. 3. cap. 5.* See it in Burghs.

Mafs, see Papist, and Religion.

That none say, hear, or be present at Mafs, under Pain of Confiscation of all their Goods Moveable and Immoveable, and their Persons to be in Will, for the first Fault, Banishment for the second, and

and Death for the third; and that all Judges be diligent to apprehend the Contraveeners, *Jam. 6. Par. 1. cap. 5.*

That all Sayers, and Hearers of Mass, and Prophaners of the Sacraments, incur the Tinsel of simple and liferent Escheat, *Jam. 6. par. 11. cap. 24.* The Act is, *Anent Tryal and Punishment of the Adversaries of the true Religion.*

The saying of Mass infers the Crime and Pain of Treason, *Jam. 6. Par. 12. cap. 120.*

The Saying of Mass, for the first Fault, infers the simple Escheat, for the second the liferent Escheat, and for the third the Pain of Treason and Forefaulture, *Jam. 6. Par. 13. cap. 163.*

That all wilful hearers of Mass and concealers of the same, be Execute to the Death, and their Gudes Escheat, they being therefore found guilty, or declared Fugitive, before the Justice, or Privy Council, *Jam. 6. par. 14. cap. 193.*

Ratified, *Jam. 6. Par. 19. cap. 1.* And all thir Acts ratified, and extended to all Hearers and Sayers of Mass, without any exception or restriction, *Jam. 6. Par. 20. cap. 5.*

That none presume to hear, or say Mass, under the Pains contained in the Acts of Parliament, *Cha. 2. Par. 1. sess. 1. cap. 8.*

Messenger, or Officiar of Arms, see Lyon.

That Mairs or Serjands in Royalty, Regality, and Burrows, have Wands and Horns in manner set down in the Act, *Jam. 1. Par. 6. cap. 100.*

That Mairs of Fee, name Deputes to be admitted by the Sheriff, and that the Sheriffs chuse Mairs where needful; and that in Summons and Attachments, the Mair shall only shew his Precept and Warrant, *Jam. 1. Par. 9. cap. 112.*

That there be only two hundred Officiars of Arms in all Scotland, bearand and wearand our Sovereign Lords Arms, in which number the Lyon, and his Brethren the Heraulds, seventeen in all, are included, and the rest to be divided amongst the Shires, by the Proportions set down in the Act. And if the Lyon admit any more, that he not only incur the Kings indignation, but the Persons admitted to be rejected, and their Executions to be null; That the Officiars to be continued, and so in all time coming, have the Lyons Testimonial, and decent Blazons in Silver; and that they find good Soverty to keep their Injunctions, under the Pain of five *merks*, and to pay the Coasts and Skaiths of Parties, *Jam. 6. Par. 11. cap. 46. See Lyon.*

That the Officiars Soverty be bound, that he shall be furnished with a sufficient and ready Horse, and for all the Dammage, and Interest of Parties; That the Officiars Wages be a *merk per diem*, Summer and Winter, *ibid. cap. 72.*

That Officiars of Arms convict of Falshood, or Oppression, in Execution of their Office, be punished to the Death, *ibid. cap. 83.*

That Officiars of Arms, renew their Soverties, when Dead or become Insolvent, under the Pain of Deprivation, *Jam. 6. Par. 14. cap. 208.*

That Messengers Fees may be modified on Complaint of the Party concerned by the inferior Magistrate, within whose Bounds the Diligence shall be used, *Jam. 7. Par. 1. cap. 35.* That

Metts, Measures, and Weights.

That a Stone be made for weighing fifteen Trois pounds, and divided in sixteen Scots pounds, and that accordingly the half Stone, quarter, pound, and other less Weights, be made and only used, *Jam. 1. Par. 3. cap. 57.* And this Act renewed, and the Trois pound to contain sixteen Ounces, *Jam. 1. Par. 4. cap. 69. Jam. 4. Par. 3. cap. 33. and Jam. 5. par. 7. cap. 114.*

That the Water-Metts that now are, be observed, and in each Town a Sworn-Metster appointed, for all Goods sellable by the Water-Mett, als well Coals, as others, and that the Seller, nor none else meddle with the Metting, *Jam. 1. Par. 3. cap. 58.*

That the Ell contain thirty seven Inches, *Jam. 1. Par. 4. cap. 68.*

That the Boll be divided in 4 Firlots, and contain 29 Inches within the Boords; and above, 27 and an half Inch, even over; and in deepness 19 Inches: That the Firlot contain in breadth even over 16 Inches under and above within the Boords, and in deepness 9 Inches: That the Firlot contain 2 Gallons and a Pint, and the Pint to weigh of the Water of *Tay* 41 Ounces, or 2 Pounds 9 Ounces; so the Gallon weighs 20 Pounds 8 Ounces; the Firlot 41 Pounds, and the Boll 164 Pounds: And these Measures are compared in the Act, with the old Measures in King *David* the first's time. *Jam. 1. p. 4. c. 70.*

That a general Met be observed, according to the Pint and Quart formerly given to the Burgh of *Stirling* for an universal Standard; whereof each Firlot to contain eighteen Pints, and of this Pint, Quart and Firlot, three Standards to be made; and given to *Aberdeen, Perth* and *Edinburgh*, appointed to be Steids for the rest of the Realm, and that none use another Measure, under the Pain of double of the Chamberlain's Unlaw; but prejudice to Masters as to their Measures of their Farms to be proportioned after this new Measure. *Jam. 2. Par. 14. cap. 73.*

That the Chamberlain and Sheriffs put this Act in Execution, *Jam. 3. Par. 4. cap. 23. and Jam. 4. Par. 3. cap. 33.*

That Users of false Measures and Weights be Indited as Falsers, *Jam. 4. Par. 4. cap. 47.*

That all Measures and Weights, Pint, Peck, Ell, and Stone, be of one Quantity, to be ordained in *Edinburgh*, and that the old Metts be proportioned thereto; and if any use another Measure or Weight, that it be a point of Dirtay, *Jam. 4. Par. 6. cap. 96.*

That the Stone be sixteen Pounds, and the Pound sixteen Ounces Trois; the Pint of *Stirling* two Pounds and nine Ounces Trois, of clear Water; the Ell of *Edinburgh* thirty seven Inches; and the Firlot of *Linlithgow* nineteen Pints; and an Jucat for Measuring Wheat, Rye, Beans, Meal, and white Salt, in the Mercat by the Straik: As also, Malt, Bear and Oats, (in use to be Measured by the Heap) but at the Rate of two Pecks for three, in lieu of the Heap, found to be a third; and these established for general Use, by a Commission of Parliament reported to the Council, and by the Council ordained to be insert in the Books of Parliament; and that Provosts and Baillies of Burrows, of Royalty, Regality and Barony, cause the same to be observed, under the Pains contained in the Acts of Parliament. *Jam. 6. Par. 11. cap. 114.*

That

That all Sheriffs, Stewards, and Magistrates of Burrows, put the saids Acts to Execution, with Power to them to take Tryal of false Metts, Weights and Measures, and the Users thereof to amitt their whole Goods to the King. *Jam. 6. Par. 19. cap. 2.*

Act Ratifying the Commission 1617, anent Metts and Measures, with the Sentence and Determination given thereon, (*See the Determination, whereby the former Measures, and Acts about them, are altered, and ratified*) specially that the Measure and Firlot of Linlithgow, should be the only Firlot for all his Majesty's Leidges to buy and sell with, *Jam. 6. Par. 23. cap. 16.*

The foresaid Determination, finding the Linlithgow Standard of the Firlot to be True, and to contain twenty one Pints and a Mutchkin *Stirling*; that three straiked for two heaped Measures, do exceed, and are not just; and that therefore there should be a new Firlot, for Malt, Bear and Oats, in place of the Heap, containing thirty one Pints, *Stirling* Jug; that the Weight be the *French* Trois Stone, containing sixteen Trois Ounces; discharging the old Trone Weight for ever; that the Ell contain thirty seven Inches; and that the Pint weigh three Pounds seven Ounces Trois, of the running Water of the Water of *Leith*: And that the Standards be kept; two Firlots by Linlithgow, the Stone weight by *Lanerk*, the Ell by *Edinburgh*, and the Pint by *Stirling*, as of old; and that these be the universal Measures. *See it after Jam. 6. Par. 22.* It is dated 19 February 1618.

A new Commission, for adjusting Measures and Weights, and reducing them to an Uniformity; and that Linlithgow Measure be the universal Measure. *Cha. 2. Par. 1. sess. 1. cap. 38.* The Act is, *Commission and Instructions to the Justices of Peace, &c.*

That the Coal Measure for payment of Custom and Bullion, be the Chalder of *Culross*, *Cha. 2. Par. 1. sess. 3. cap. 17.*

That the Foot Measure be of twelve of these Inches, whereof the Ell contains thirty seven, and that the Standard of it be made and kept by *Edinburgh*, and that all Wrights, Glasiers, Masons, and other Work-men, Work by this Measure allenary, *ibid. cap. 18.*

That three Barley Corns length-ways make an Inch, twelve Inches a Foot, to be the only Foot of Measure for all Work-men, under the Pain of a hundred *lbs. toties quoties*; three Foot a Yard, three Foot and an Inch a *Scots* Ell, and a thousand seven hundred and sixty Yards a Mile: That twenty two Gallons be the Measure of one Boll of unbeaten Bark, and so under; and that the Linlithgow Barley Measure, be the Measure of all small beaten Mallowy-Bark; and the Use of all other Measures prohibite, under the Pain of a hundred *lbs. toties quoties*, and forfeiture of the Bark. *Jam. 7. Par. 1. sess. 2. cap. 30.*

Mile, *see* Measure.

Militia, *see* Host, and Weapon-
thawing.

Humble offer to his Majesty of twenty thousand Foot, and two thousand

thousand Horse, Armed and Furnished with fourty Days Provision, proportioned upon the Shires, as in the Act, to be in readiness as they shall be called for by his Majesty, to March to any part of his Dominions against foreign Invasion, or intestine Insurrection, or for any other Service, wherein his Majesty's Honour, Authority, or Greatness, may be concerned; intreating his Majesty to nominate the Officers to Rute Masters *inclusive*, and to give direction to the Council for the rest, whom the Parliament impowers for the ordering and managing of this whole Affair under his Majesty; and the Parliament declares, that if his Majesty have further use, this Kingdom will be all ready betwixt Sixty and Sixteen, to hazard Lives and Fortunes at his Majesty's call, for Preservation of his Person and Authority. *Cha. 2, Par. 1, sess. 3, cap. 26.*

Act ratifying the Constitution and Model of the Militia, as established by the King and Council, on the ground of the foresaid Act, particularly their appointing Days of Rendezvous, Allowance to Foot and Horsemen, the saids Days, and the whole Acts and Proceedings relating thereto, and six *shillings* for each Foot-man, and eighteen *shillings* for each Horse-man, is ordained for every Day of the Rendezvous: As also the appointment of Commissars of the Militia is approven, and several Powers are committed to them, and the order of Poinding for Deficiency, is particularly regulate; and the Lords of Privy Council, are impowered to appoint Days of Rendezvous, and to give all Orders requisite for the full establishing of the Militia. *Cha. 2, Par. 2, sess. 1, cap. 2.*

That all Persons enrolled and imployed in the Militia, be thereto entirely reserved, and exempt from other Levies, during that Service: That the Officers be well affected to Religion, and the Government of the Church as now Established; and that they, and all the Soldiers take the Oath of Allegiance, under the Pain of Imprisonment and Banishment: That the Officers attend punctually, and none of them desert or demit, without a Cause first allowed by the Council, under the Pains contained in the Act, under which they are also obliged to accept their Charges when named thereto: As also they are to be Fined, as in the Act, for absence from Rendezvous, and the Fines of Absence and Deficiency here, and formerly appointed, are ordained to be doubled in time of War: That the Militia-Men, be such as reside within the Bounds, and neither Desert, nor yet be changed but as in the Act: That the Leader of every Horse uphold him and his Furniture for seven Years, and then that a new Horse be provided by him and his Fractions, at the rate of ten *libs sterl.* That beside the Days of Rendezvous already appointed, and to be observed in time of Peace, in the time of War, there be two Rendezvous of the Regiments of Foot, two days each Rendezvous, and four days of Rendezvous of the Companies, with an exception of *Argyle, Bute and Dumbartoun* Shires, because of their distance: And all former Orders about the Militia are approven, except in so far as by this Act they are innovate. *Cha. 2, Par. 2, sess. 3, cap. 1.*

Act discharging all Rendezvous of the Militia during his Majesty's pleasure, and until it be declared. *Jam. 7, Par. 1, cap. 32.*

The Militia not to be called out for a Year and a half after the twenty third of May 1693. *W. and M. par. 1, sess. 4, cap. 7. See the Act in Levys.*

Milnes, and Multures.

That no Multures be taken of Flowr, coming forth of other Lands, to Sea Ports, or coming to Mercats. *Jam. 4, Par. 4, cap. 44.*

That Breakers of Milnes, be punished to the Death as Theives. *Jam. 6, Par. 11, cap. 82.*

Mines of Gold and Silver.

Mines of Gold and Silver belong to the King, if three half Pennies of Silver may be fined out of the pound of Lead. *Jam. 1, Par. 1, cap. 12.*

Ministers and Readers, see Kirks and Manfes.

That the Thirds of all Benefices be payed to the Ministers, and they being payed of their Stipends out thereof, the superplus to be applyed to the Kings use. *Jam. 6, Par. 1, cap. 10. See thirds of Benefices.*

That all Benefices not exceeding three hundred merks of Yearly Rent, be Disponed to Qualified Ministers. *Jam. 6, Par. 3, cap. 52.*

That Ministers should subscribe the Confession of Faith. *Jam. 6, Par. 3, cap. 46. See it in Confession of Faith.*

That every Paroch, or Bound competent to be a Paroch, have their own Minister, with a sufficient Stipend, as the place may bear, and that Kirks annexed to Prelacies, be provided of Ministers, with competent Livings. *Jam. 6, Par. 7, cap. 100. See Dilapidation.*

That all Benefices of Cure under Prelacies, be presented by the King, and Laik Patrons in favours of able Ministers, and all Gifts otherways made are declared null. *ibid. cap. 102.* And all Gifts and Dispositions thereof, since his Highness Coronation, not made to Persons in the Function of the Ministry, are declared null from the beginning, excepting Benefices Disponed to Lords of Session, and which are Laik Patronages, they being provided to qualified Persons, conform to the Act of Parliament thereanent, (which appears to be *Jam. 6, Par. 11, cap. 32.* here subjoined) *Jam. 6, Par. 12, cap. 121.* The Act is, *Ratification of the Act made in February 1586, in favours of the Ministers, &c.*

That all Ministers or others having Benefices under Prelacies, suspected culpable of Heresy, Papistry, erroneous Doctrine, common Blasphemy, Fornication, common Drunkenness, Non-residence, (that is to say, not residing within the Paroch, but absent therefrom, and from the Kirk and his Office, for four Sabbaths in the Year, without leave of his Ordinary) Plurality of Benefices having Cure, Simony and Dilapidation, being found Guilty by the Bishop of the Dioc, or the Kings Commissioner in Ecclesiastick Causes, shall

shall be deprived from both Office and Benefice, that in case of Plurality of Benefices, the acceptance of the last be sufficient cause of Deprivation from the remanent; and a Minister being Convict of a capital Crime, and therefore also orderly deprived, his Benefice vaiks. *Jam. 6, par. 8, cap. 132.* (See capital Crimes in Crimes), and their Causes of Deprivation are extended to Persons provided als well to Prelacies as to inferiour Benefices. *Jam. 6, p. 11, c. 28.* But the Clause of Non-residence comprehends not Members of Council, Members of Session, or Persons absent by his Highness licence, on his necessary Service; nor is the Act to be extended to Benefices of Laik-Patronage provided before the Act, only all thir Persons are astricted to sustain qualified Ministers at their Kirks; but he that receives any Benefice, on condition to Serve and Reside, is declared to be subject to the said Act. *Jam. 6, Par. 11. cap. 32.*

That all Ministers wait faithfully on their Charges, and that none of them accept or use any Place of Judicatory, Civil or Criminal, or be Clerks or Nottars, (except in making of Testaments) under the Pain of Deprivation from both Office and Benefice. *Jam. 6, Par. 8, cap. 133.*

That Benefices under Prelacies, whereunto Readers or Ministers actually Serving are provided, be free of the first Years Fruits, and of the fifth Penny. *Jam. 6, Par. 11. cap. 26.*

They who Invade or put violent Hands in any Minister, shall be punished by Tinsel of Moveables for the Violence allenarly, the one half to the King, the other to the Party Offended; and that Letters be thereon direct, at the Instance of the Minister, the King, or Kirks Advocate, or any other Person. *Jam. 6, par. 11, cap. 27.*

Ratified, and extended against all who Invade or put violent Hands, or offer violence to Ministers by themselves, their Men, Tenents, or Servants, or any other of their Hounding out or Allowance for whatsoever Cause; or sicklike to Arch-Bishops, Bishops, and Ministers whatsoever, having lawful Warrant to Preach, and Minister the Sacraments: And that Land-lords, Heretors, and Chiefs of Clans, where the Invaders dwell or haunt, be holden upon Complaint of the Party to exhibite them; and if after legal Intimation made to the saids Land-lords, &c. the saids Delinquents be found within their Bounds, haunting openly for ten Days, that they be holden as Connivers, and obliged to exhibite them under the like punishment. *Cha. 1, par. 1, cap. 7.* And both these Acts ratified. *Cha. 2. par. 2, sess. 1. cap. 5.*

All Parsons and Vicars, provided since King James the sixth his Coronation, and not having Vote in Parliament, Council and Session, deprived by the Kirk *ab officio*, are secluded also *a beneficio*, and the same Vaiks, but prejudice of Tacks lawfully set by them of before. *Jam. 6, par. 12, cap. 115.*

That Ministers and Readers pay no Teinds for their Gleibs. *Jam. 6, Par. 5, cap. 62.* See Gleibs.

That their Stipends be free from all Tacks, Pensions, Taxations, or Impositions whatsoever, notwithstanding of any Gift or Disposition in the contrary, *Jam. 6, Par. 13, cap. 162.*

That all Gifts and Provisions made to Ministers serving the Cure of Parsonages and Vicarages, and Kirks thereof, be to them valid and sufficient Titles, notwithstanding of any Act or Constitution in the contrary, but prejudice to the Rights of private Persons, and of the Queens Kirks of *Dumfermling. ibid. cap. 163.*

And it is declared, that any Act of Parliament made thereafter, in favours of any particular Person, in prejudice of Ministers Provisions, shall be null, except the Ministers be called, and the same reduced in haill, or in part, before the Judge Ordinary. *ibid. cap. 165.*

That all Ministers at the receiving of their Assignations, give up a true and particular account, how much they have of the Temporality disposed to them. *Jam. 6, Par. 15, cap. 244.*

That Ministers at their Admission swear the Oath of Allegiance, and Obedience to their Ordinary in all things lawful. *Jam. 6, Par. 21, cap. 1.*

A Minister absent without just Cause from the Bishops Visitation, or Diocesian Assembly, may be Suspended; and if he amend not, Deprived. *ibid. cap. 1.*

All Ministers entering in, or since the Year 1649, at which time Patronages were unjustly Abolished, are declared to have no Right to Benefice, Stipend, Manse or Gleib, for this Year 1662, or hereafter, but their Kirks to be Vacant, unless they be duely Presented, and Collated betwixt and the 24th of September next. *Cha. 2, Par. 1, sess. 2, cap. 5, anno 1662.*

That Ministers keep and Observe the Bishops Visitation, and Diocesian Assembly, and concur with the Bishop (as required) for the Exercise of Discipline, under the Pain of Suspension for the first, and Deprivation for the second Fault, from both Office and Benefice. *Cha. 2, Par. 1, sess. 2, cap. 4. The Act is, Concerning Masters of Universities, &c.*

And both these Acts ratified: And that Ministers who continue in the Exercise of their Ministry in contempt thereof, be punished by the Privy Council, as seditious Persons, and Contemners of the Royal Authority. *ibid. sess. 3, cap. 2. The Act is, Against Separation and Disobedience to Ecclesiastick Authority.*

Ministers Pounding for their Stipends, need not carry the Goods to Mercat-Crosses, but may Comprise them, by honest and sworn Men, on the Ground where the Goods are. *Cha. 2, Par. 1, sess. 3, cap. 21.*

Act ratifying two Proclamations of Council, Charging Heretors, and others having real Interest, to secure the Persons, Families and Goods of their Ministers in their Houses, and elsewhere within the Paroch, from all Injuries and Affronts, or other ways if they present not the Actors, that they be lyable for the Ministers Reparation and Interest at the Councils sight, and that until his Majesty in his next Parliament give farther Orders therein; and but prejudice of former Acts against Invaders of Ministers. *Cha. 2, par. 2, sess. 1, cap. 5.*

Act anent Suspensions of Charges for Ministers Stipends. See it in *Suspension. Ibid. cap. 6.*

That such as shall be found guilty in Assaulting the Lives of Ministers, or Robbing their Houses, or actually attempting the same, be punished by Death, and Escheat of Moveables, and there is five hundred *merks* of Reward appointed to the Discoverer and Seaser, or two hundred *merks* to the Discoverer, and three hundred *merks* to the Apprehender of the foresaid Criminals, to be payed out of his Majesty's Thesaurry. *Cha. 2, par. 2, sess. 2, cap. 4.*

Act ratifying the Acts, *Cha. 2, par. 2, sess. 1, cap. 5. and sess. 2, cap. 4. and par. 3, cap. 15.* And the Assaulting of the Lives of Bishops, or other Ministers, or the Invading or Robbing their Houses, or the actual attempting thereof, to be punished with Death and Confiscation; and that the Parochioners, where a Minister comes to be Assassinate or Murdered, be Fineable as the Council shall see Cause, and the Fine to be given to the Wife and Bairns, or failing of them, to his nearest of Kin, and the conforming Parochioners to be Reimbursed by the Non-conforming, or others found Accessory, all at the sight of the Privy Counsel; and that the Discoverers of such Violences be Rewarded. *Item, The Church Government as then Constitute fully ratified. Jam. 7, par. 1, cap. 37. But this Act Rescinded. W. and M. Par. 1, sess. 2, cap. 28.*

Act and Proclamation, that all Ministers Pray publicly for K. William and Q. Mary, as King and Queen of Scotland, under pain of Deprivation, *Convention Act 16.* And Ministers deprived for not Praying as above, are prohibite to Exerce any Part of their Ministry any where, until in presence of the Council, they take and subscribe the Oath of Allegiance, and engage to Pray as above, and not to own King James; and that the said Act of the Convention be put to farder Execution at the Councils sight. *W. and M. Par. 1, sess. 2, cap. 35.*

Act Restoring all Presbyterian Ministers then (25 April 1690) alive, who were thrust out since the first of January 1661, or Baniished for not Conforming to Prelacy, to the Exercise of their Ministry, and to their Kirks and Stipends, as in the Act. *W. and M. Par. 1, sess. 2, cap. 2.*

The Calling of Ministers to be by the Heretors of the Paroch (*Protestants*) and the Elders, and these Called to be proposed to the Congregation, who are to Approve or Disapprove, for Reasons to be Cognosced by the Presbytry, by whose Determination the Calling and Entry of a Minister is to be ordered and concluded. *Item, If a Call be not thus given within six Months, the Presbytry may plant jure devoluto, but prejudice always of the Calling of Ministers to Royal Burghs, as in use before the 1630s; and where a part of the Paroch is in Landward, that the Call be by the Magistrates, Town Council, Kirk-Session, and the Heretors. W. and M. par. 1, sess. 2, cap. 23.*

Outed Ministers discharged to Baptize or Marry Persons, under Pain of Imprisonment, till they find Caution to depart the Kingdom, and not to return, without prejudice to the *Acts against Clandestine Marriages. W. and M. par. 1, sess. 4, cap. 12.*

Minors,

Minors, *see* Curators and Tutors.

The Privileges of Minors, as to Compyfings and Adjudications, *See* it in these *Titles*.

That no Oaths be exacted of Minors for Confirmation of any of their Deeds; and where they are exacted, that the Contract be void, and the Extractor Infamous; and any Person related to the Minor, may obtain the Writ to be declared void. *Cha. 2, Par. 3, cap. 19.*

All Minors under Pupillarity exempted from Caption or Warding for any civil Cause. *W. Par. 1, sess. 6, cap. 41.*

Molestation.

That all Actions of Molestation and Troublance in Properties and Communities, consisting in the Possessor, be remitted to the Sheriff, Bailly, or other Judge Ordinary where the Lands ly, and that Letters of Cognition be direct to them, at the Instance of Parties for that effect: That the Judge Ordinary proceed on Precepts on fifteen days, and that continuations be from eight days to eight days, and no longer: And first, That Defences be discussed in the place of Judgement, and then Points to be proven by Witnesses, be put to the knowledge of a condign Inquest, of sufficient number, most part Landed Men, having at least four Ploughs, or three hundred *merks* yearly Irredeemable, and the rest substantial Yeomen living in the Paroch where the Lands ly, or failzying thereof in the nex Paroches; and the Inquest may Visit the Ground, and take all other Tryal, and shall return their Answer in Face of Judgement, and in case of Error may be punished, *pana temere jurantium super assisa*: If there be Reconvention in the case before *Litiscontestation*, the Judge shall proceed in both Actions *pari passu*; and shall remit the Matters of Fact *hinc inde* to the knowledge of the Assise, where the Causes cannot be divided; and either half of the Assise to be taken of the Persons summoned by either Party, and the odd Man to be chosen by Cavil: If the Judge Ordinary be alledged suspect or unable, after calling the other Party, and cognition taken, the Lords shall appoint unsuspect Judges by their Act, or under the Quarter Seal, who shall make Faith, and have their Recompence modified by the Lords, and payed before the giving out of their Decreet by the Obtainer of the Commission, to be repayed by the other Party, if it be found *quod temere litigaverit*; and where the Lands contraverted ly in several Jurisdictions, the Lords shall grant Commission as said is: And this Act is declared to be without prejudice to the Members of the College of Justice, to pursue their Actions as formerly. *Jam. 6, Par. 11, cap. 42.*

Money, *see* Bullion, Gold and Silver, and Payment.

That the King gar mend his Money, to the same Weight and Finess, as in *England*. *Jam. 1, Par. 1, cap. 23.*

That

That no Man have Money out of the Realm, but he pay fourty pennies per pound of Custom, under the Pain of Tinsel of the Money, and an Unlaw of ten *libs* to the King. *Jam. 1, Par. 3, cap. 49.*

That none have out of *Scotland*, Gold, Silver, or Jewels, Cuinized or Uncuinized, under the Pain of Escheat. *Jam. 1, Par. 13, cap. 149.* the one half to the King, and the other to the Apprehender. *Jam. 2, Par. 8, cap. 34.*

That Searchers be made at all Ports, and on the Borders, for to restrain the having out of Money; and that false Strikers of Gold or Silver, or of false Groats or Pennies, be punished as Law will; and that none Strike any in time coming, without Licence under the Great Seal. *Jam. 2, par. 6, cap. 28.* and *Jam. 3, Par. 8, cap. 75.*

That Money be not had out of the Realm, under the Pain of ten *libs*, and the value of what is Exported; but Clerks are herefore made accountable to their Ordinaries, as Seculars are to the King. *Jam. 3, Par. 1, cap. 8.* Ratified *Jam. 3, Par. 4, cap. 24.*

That no Stranger Merchant have Money out of the Realm, under the Pain of Escheating of the Money, and of his other Goods. *Jam. 4, Par. 4, cap. 41.* And that Searchers be appointed, and to have the fourth of the Money for their Pains, and this to be point of Dittay. *Jam. 4, Par. 6, cap. 68.*

And all these Acts anent the having furth of Money ratified, *Jam. 5, par. 7, cap. 108.* and *Q. M. Par. 9, cap. 69.* With this Addition, That the Contraveeners shall Escheat all their Moveables, the fourth Part to the Discoverer; and if he be a Partner in the Money, to be not only free of the Pain, but to have the foresaid Reward; and this Act to endure for five Years. *Ibid. Q. M. Par. 9, cap. 69.*

Act ratifying all former Acts against the Transporters of Money. *Jam. 6, par. 15, cap. 238.*

A most strict Act against the Transporting of Money, appointing Merchants, Skippers, Customers, and Keepers of the Cocquets to swear before the Thesaurer or his Deputes, not to Export, nor suffer the same to be Exported, nor to conceal the Exporting thereof: And that no Merchant or Skipper, Trade, or make Voyage to any foreign Place, before they take the said Oath, and produce Extracts thereupon, under the Pain of the fifth of their Moveables, and being incapable of Merchandizing, or sailing any Ships: And there is only allowed to Passengers sixty *libs* for their Charges; and all Licences are discharged, except to such who shall make Faith, or give Bond, that the Money is to be bestowed for Timber in *Norway*, or for Victual in time of extream Dearth, and that they shall return the superplus. *Cha. 2, Par. 1, sess. 3, cap. 11.*

The Advertisement of the Three Estates touching the Matter of Money, and a new Coin of Silver and Gold then to be stricken: That the Master of the Money answer for all stricken under him, while the Warden have taken Essay thereof, and put it in his Buist: And that he may choose Servants under him to stricke, and may punish them if they trespass; and that Strikers (if possible) be no Gold-Smiths. *Jam. 2, Par. 8, cap. 33.*

Another Order about Money and the Cuinzy; that the Lords of Exchequer examine the Fineness of the Coin, presented them in a Buist by the Warden. *Jam. 2, Par. 13, cap. 58.*

Order

Order for Cuinzying of Copper Money four to the Penny, and that there be Cuinzied three hundred *libs* conteinand Silver. *Jam. 3, Par. 1, cap. 9.*

An Ordinance crying up the Money, and that no black Pennies be stricken in time coming, under the Pain of Death. *Jam. 3, Par. 3, cap. 18.* Another Ordinance to the same purpose. *Jam. 3, Par. 4, cap. 22.*

A third Ordinance thereanent made by the Lords of the Three Estates depute thereto. *Ibid. cap. 24.*

That no black Money, but the Kings own be taken in payment, and no Man bring home strange black Money, or Counterfeit the Kings Money, under the Pain of Death, *Jam. 2, Par. 5, cap. 4.*

Another Order about the Money, *Jam. 3, Par. 6, cap. 47.*

That no Silver or Gold Coinzied be burnt down, either by Coinziours or Gold-Smiths, without the Kings Licence, but that it be holden whole to pass among the Leidges. *Jam. 3, Par. 8, cap. 66.* And that under the Pain of Escheat of half of the Moveables for the first, and of the whole Moveables for the second Fault, against the Owner and Melter. *Jam. 6, Par. 1, cap. 17.*

The Rates of Money, Gold and Silver hightned, *Jam. 3, Par. 8, cap. 68.* And it may be doubted from this and the former Acts, what reckoning was then made for the *shilling*, seeing that the *Rose-noble* is estimate to thirty five *shillings*.

Order for Coinzying of Money, that there be ten *Groats* in the Ounce of Silver, and pass for fourteen *Pennies* the *Groat*; and there be a penny of Gold to pass for thirty of the saids *Groats*. *Jam. 3, Par. 13, cap. 93. Jam. 4, par. 1, cap. 2. and par. 2, cap. 17.*

Placks cryed down, and the King declares he will receive them in, and give a fourteen penny *Groat* for seven of them, *Jam. 3, par. 13, cap. 97.*

That Gold or Silver Money of good Mettal and just Weight, pass and be received, albeit with Crack and Flaw, or Folded. *Jam. 4, Par. 2, cap. 17.* Ratified under the Pain to the Refuser of losing the value. *Jam. 4, Par. 3, cap. 37. Par. 4, cap. 40. and Par. 6, cap. 97.* And that false Money be clipped and broken by the Kings Officers, and so delivered back to the Owners. *ibid. Jam. 4, Par. 4, cap. 40.*

That the King appoint an expert Man Master of the Money, for solisting the Acts made anent Money and Bullion. *Jam. 4, par. 5, cap. 55.*

That nothing be taken for wisselling of Gold, under the Pain of Oppression: And that no Man wrong Gold of its Weight, under the Pain of falsing of Money. *Jam. 5, Par. 7, cap. 99.*

Ratification of all Acts against the home bringers of false Coinzy, or Forgers thereof within the Realm, and the Revealer ordained to have the half of the Escheat of the Contraveeners Lands and Goods. *Q. M. par. 9, cap. 70.*

That the King may cause coinzy Gold and Silver, at such Fineness as other Countries do, and that no layed Money be Coinzied without consent of Parliament. *Jam. 6, Par. 1, cap. 17.*

That in every Burgh, able Men be appointed by the Magistrates, to see all Money told, and to clip false Money, and the Payer to lose it, and the Receiver to pay the Clipper a penny *per pound*. *Ibid. cap. 19.*

Act anent the change of Coinzy then made, wherein the Quantity of the Coinzy then struck is said to extend to two hundred and eleven Stone and ten pound Weight of Silver; and the new Coinzy is appointed to be of eleven penny Fine, at forty shillings the Ounce. *Jam. 6, Par. 7, cap. 106. anno 1581.*

Act ratifying all former Acts against the raisers of the Price of Money to the Transporters thereof; and ordaining the Ounce of Silver Coinzied at eleven penny Fine, to stand at fifty shillings, and the Ounce of Gold of twenty two Carrats fine, to stand at thirty pounds; and all foreign Coinzy of Gold or Silver is discharged to have course. *Jam. 6, Par. 15, cap. 249.*

That old fourteen shilling Pieces weighing two Drops and twenty seven Grains, and their halts proportionally, pass in all payments; and it under that they pass at the Rate of three *libs* four, *shilling* per Ounce, or four *shilling* per Drop; and that under the Pain of double to the refuser, to be summarly exacted. *W. Par. 1, sess. 6, cap. 38.*

Moveables.

That Moveables falling to a nearest of Kin, lying out, may be affected by the Creditors for his Debt, by requiring the Fiscal to Confirm and Assign, under the Pain of being lyable for the Debt, or obtaining themselves decerned Executors to the defunct, as if they were his Creditors; but with preference always to the defuncts own Creditors. *Item*, A party having a Claim or Cause against a defunct, may Charge the defuncts nearest of Kin to Confirm within twenty Days, in which case he must either Renounce, or be lyable as a vicious Intrometter, and if he Renounce, then Decreet is to pass against the Moveable *hereditas jacens*, to be a ground of an Executory Dative in the common Form. *W. par. 1, sess. 5, cap. 41.*

Mumm-Beer.

Mumm-Beer licenced to be Imported, and that it be lyable, each Barrel not exceeding twelve Gallons, in thirty *shillings* of Custom, and as much for Excise. *Cha. 2, Par. 2, sess. 4, cap. 2.*

Muir-Burn.

That no Man make Muir-Burn after the first of *March*, till all the Corns be lhorn, under the Pain of forty *shillings* to the Lord of the Land of the Burner; or if he have it not, forty days Imprisonment; and if the Lord neglect, then this to be a point of Dittay. *Jam. 1, Par. 1, cap. 20.*

That no Muir-burn be made fra the first of *March* till *Michal-mass*, under the Pain of five *libs*. *Jam. 3, Par. 10, cap. 75.*

That the Commander of Muir-burn be made to pay forty *shillings* to the King, beside the Pain of the Maker. *Jam. 4, Par. 4, cap. 48.*

That the unlaw of Muir-burn be five *libs*. Jam. 4, Par. 6 cap. 71.

The pain augmented, and that for the first time it be five *libs*, for the second ten, and for the third twenty *libs*, and so forth for each time twenty *libs*. Jam. 5, Par. 4, cap. 11. Ratified, Jam. 6, Par. 6, cap. 84. The Act is, *Against the Destroyers of Planting, Haining and Policy*.

Murther, see Treason.

If any Woman conceal her being with Child during the whole space, and call not for, and make use of help in the Birth, the Child being found dead or a missing, the Mother shall be repute, proccessed and condemned, as the Murtherer. W. and M. par. 1, sess. 2, cap. 21.

Musick.

That the Youth be Instructed in Musick, and that Magistrates of Burghs, and Patrons, and Provosts of Colledges, where Song-Schools are Founded, set up Schools with Masters, as they will answer on the Peril of their Foundations. Jam. 6, par. 6, cap. 98.

Musters, see Forces.

Mutilation, see Demembration.

Mutilation reckoned with Slaughter, and Fire-raising. Jam. 5, Par. 7, cap. 118. The Act is, *Anent burning of Corns, &c.* and Jam. 6, Par. 6, cap. 76. The Act is, *For remeed of the Fraud and Disorder used by Officers, &c.*

N.

Naturalization.

ACT Naturalizing all Frenchmen. Q. M. Par. 8, cap. 65. See it in France.

Act Naturalizing all Strangers of the Protestant Religion, who having Estates, shall bring the same, and come and dwell in this Kingdom, or who shall set up new Works and Manufactories, and come and Settle therein, promising them, upon Petition to his Majesty, the free Exercise of their Religion in their own Language; providing always, that the benefit of this Act, be granted and applyed at the Councils sight. Cha. 2, Par. 2, sess. 1, cap. 7.

Navigation.

Act for the Encouragement of Shipping and Navigation, ordain-
ing all Goods to be Imported, after a Day yet blank in the Act, from
the Original and proper Places, whence they are in use first to be
Transported, and in Scots Ships, or in Ships belonging to these
Places,

Places, under the Pain of Confiscation of Ship and Goods: That all Goods shipped, as said is, not Imported by Ships of this Country, be lyable in double Custom: That all Goods belonging to Aliens, in whatsomever Vessels imported or exported; As also, all Goods whatsoever exported in foreign Vessels, be lyable to double Customs: That *Scots* Ships be Navigated only by a *Scots* Master, and at least three parts *Scotsmen*; and the Act contains an Order for Verifying a Ship to be a *Scots* Ship, and getting Certificate thereupon; and that no Customer allow the benefit of a *Scots* Skipper to any Ship, until the same be so Verified, under the Pain of Deprivation: But this Act extends not to Import from *Asia*, *Africa*, or *America*, or from *Musco* and *Italy*, until it shall be so declared by Act of Parliament, Privy Council, or Council of Trade; nor to Import of Corns, from any place in any Ship in time of Dearth, declared to be such by Act of Council. *Cha. 2. Par. 1, sess. 1, cap. 44.*

Notars.

That Notars in time coming, be made by the King, and not by the Emperor; and that Notars so made, be Examined by their Ordinaries the Bishops, and have their Certificates. *Jam. 3, Par. 5, cap. 31.*

That the Bishops and Ordinaries Examine all Notars, and punish the Insufficient, and send the Sufficient to the King, to be made **Regal**. *Jam. 4, Par. 6, cap. 64.*

That the Sheriffs Examine all Notars Laiks, and the Ordinaries all Notars Spiritual within their Bounds, and cause them Book their Signs, and Admit them by an Act, otherways their Instruments to make no Faith. *Jam. 5, Par. 6, cap. 76.*

That all inferior Judges present their Clerks and Notars to the Lords to be Examined, without prejudice to the saids Judges, to change as oft as they please. *ibid. cap. 78.*

That all Instruments be taken in the hands of the Notar of the Court, and if the Party will have another Notar, that the other pass within the Bar, and Instruments be taken in both their Hands, and that the two Notars be Witnesses to others, otherways the Instruments to make no Faith: That the Notar of Court refuse Instruments to none, under the Pain of Deprivation, and to be punished in his Person and Goods. *Jam. 5, Par. 6, cap. 81.*

Addition to the foresaid Act. *Jam. 5, Par. 6, cap. 78.* And that all Notars be sent in to the Lords of Session, betwixt and a certain day, to be by them Admitted; and if any not Admitted, use the Office of Notary, that their Instruments make no Faith, and themselves be punished as Falsers. *Q. M. Par. 5, cap. 24.*

That the Lords of Session, may charge Notars to Compear, as said is, bringing with them their Protocols, not to be seen or read, but delivered back without Inspection: That all Notars be Admitted by the Lords, and that they Design in their Instruments, the Witnesses they require, by their Dwelling, or some evident Token, (*See Witnesses*) That false Notars, and Notars not Admitted as, said is, and the Caufers of their Falshoods, be punished by Escheat of

Moveables, cutting off their right Hands, and Banishment; and further by the Tinsel of their Life, if the Cause so require, at the discretion of the Judge. *Q. M. par. 6, cap. 43.*

The day appointed for Commencing of this last Act, prorogate to the 1st of *March 1563* and the Act hencefurth. Ratified. *Q. M. par. 9, cap. 78.* 4.

That all Notars be made by the Queens Letters, and thereafter Examined and Admitted by the Lords of Session, who should take their Oaths, and Registrate their Right Signs, and who does in the contrary, in making Notars, or using the Office, to be punished by Death, and their Instruments to be null. *ibid. cap. 79.*

Act suspending the Admission of any more Notars for five Years, and that none be Admitted thereafter, but such as understand congruous Latine, and have Served a Lord of the Session, Writer or Clerk, the space of seven Years, and shall report their Testimonials thereof to the Lords of Session, who by themselves, or some of the Clerks to the Signet, shall take full proof of them, by Forming some Evident: That the Bands and Acts of Cautioners for Notars be extended to their Heirs, and that the Cautioner be obliged in time coming, that their Protocols within fifteen days after their decease, shall be brought in to the Clerk-Register, or his Deputes, upon satisfaction to be made to his Relict, Bairns, or Executors, therefore, at sight of the Lords of Session, and the saids Protocols to be made furthcoming thereafter to all concerned, on their reasonable Expences. *Jam. 6, par. 11, cap. 45.*

But the last part anent satisfaction for Protocols corrected, and all Havers of Protocols of Notars, after their decease, ordained to bring in the same to the Clerk of Register, under the Pain of an hundred *libs*; and if the Relict and Children bring them in, then the Clerk-Register is to make a note of their Names, to the effect they may be called when Transumptis are pursued for, and receive satisfaction from the Party at the Lords sight: But this Act extends not to Protocols of the Clerks of free Burghs, which their Relict and Children are holden to deliver to the Magistrates of the same, to remain in their Register, and to be made furthcoming, as Accords. *Jam. 6, par. 22, cap. 22.*

Nullity.

That all Nullities be received by way of Exception or Reply, and that all Writs, or Things null of the Law, be declared so by way of Exception or Reply in the same Instance, allowing always such time to call Warrant, as if the Nullity had been pursued by way of Action. *Q. M. Par. 6, cap. 42.*

O.

Oblivion, see Indemnity.

Act of Oblivion. *Q. M. Par. 9, cap. 67.*

General Act of Oblivion, containing several Exceptions. *Cha. 2, par. 1, sess. 2, cap. 10.*

Office.

That no Office in time coming be given in Fee and Heretage, and that the Offices given since the decease of King *James* the first be annulled, except the Wardanry of the Marches. *Jam. 2, par. 11, cap. 44.*

That such as refuse to accept of Offices or Employments laid on them by the King or Council, be Fineable by the Council. *Jam. 7, par. 1, cap. 11.*

But this Act rescinded. *W. and M. Par. 1, sess. 2, cap. 21.*

Officiars, *see* Judges.

Officiars of Arms, *see* Messengers.

Officiars of the Crown.

Ordinary Officiars of the Crown reckoned, the Thesaurer, Secretary, Collector, the Justice-Clerk, Advocate, Master of Requests, Register, Director of the Chancellery, and Director of the Rolls. *Jam. 6, Par. 11, cap. 31.* The Act is, *The Kings Revocation, from which their Fees, and Pensions are excepted.*

Oppression.

It is declared to be Oppression, to Exact any thing for the discharge of publick Dues. *W. and M. Par. 2, sess. 4, cap. 3.* And so in other Acts anent the Excise.

Orchyards.

Breaking of Orchyards a point of Dittay. *Jam. 1, Par. 2, cap. 33.* See it in *Theft*, and the Acts there following.

Planting of Orchyards, *see* Planting.

Ordination.

That none presume to Ordain Ministers, but such as are Authorized thereto by Law, and that none take Ordination from any other; declaring all Ordinations since the Year 1661, or hereafter, otherways made to be null; and the Persons Ordained to be no Ministers: And that both the pretended Ordainers, and Ordained, be Seized by the ordinary Magistrates, and presented to the Council, who are Impowered to punish them, by Confiscation, Banishment, or perpetual Imprisonment, unless released by warrant under his Majesty's hand. *Cha. 2, Par. 2, sess. 3, cap. 9.*

An Abridgement of the Orkney, and Zetland.

Orkney and Zetland annexed to the Crown. Car. 2, par. 2, sess. 3, cap. 13. See it in Annexation.

That all Summons and Charges against the Inhabitants of *Orkney and Zetland*, be Execute on forty days, excepting Charges and Executions on consent. *Jam. 7, Par. 1, cap. 43. See Kirklands.*

Oath.

The Oath that the Conservator should require of all Merchants and Skippers. *Jam. 6, Par. 15, cap. 257. See it in Conservator.*

Oaths of Minors discharged. *Cha. 2, Par. 3, cap. 19. See it in Minors.*

Oath of Allegiance, and Subscription to the Prerogative.

That all Officers of State, Members of Privy Council, Session, or Exchequer, Justice-General, Admiral, Sheriffs, Commissaries, and their Deputes, Clerks, and all Magistrates and Council of Burghs, shall at their Admission to their Offices, and before they Exerce the same, take and swear the Oath of Allegiance, and also assert under their hand his Majesty's Prerogative, in manner set down in the Act: As also, that all Persons required by the Privy Council, or any having Power from them, shall be obliged to swear the said Oath; Certifying, that who refuses the said Oath, shall not only be incapable of publick Trust, but also looked upon as disaffected to his Majesty's Government, and such as shall refuse to assert the Prerogative, shall from thenceforth be Uncapable of publick Trust. *Cha. 2, Par. 1, sess. 1, cap. 11.*

How the Oath of Allegiance is to be Administrate to, and taken by Members of Parliament. *See Cha. 2, Par. 1, sess. 1, cap. 1. in Parliament.*

That all take and swear the Oath of Allegiance, and assert the Prerogative, when ever required by the Privy Council, Justice-Court, or any Commissionate by them, under such Pains as they shall determine, Life and Limb excepted. *Jam. 7, par. 1, cap. 17.* But all these Acts for taking the Oath of Allegiance, and asserting the Prerogative, discharged and innovate by the *Claim of Right* in the 13 Act of the Convention 1689. And this Act particularly rescinded by the Act. *W. and M. par. 1, sess. 2, cap. 28.*

The Oath of Allegiance. *viz. I A. B. Do sincerely Promise and Swear, That I will be Faithful, and bear true Allegiance to their Majesties. So help me GOD;* ordained to be taken by all Members and Clerks of Parliament, and all in publick Trust, Civil or Military, rescinding all other Oaths of Allegiance or Supremacy, Declarations and Tests. *W. and M. par. 1, cap. 2.*

That all Electors of Commissioners to Parliaments or Conventions, do at their Meeting, and before they proceed, take and subscribe the

Oath.

Oath of Allegiance, otherways they may be excluded; or if they presume to stay, their Vote not to be reckoned, and they Fined in the Sum of a thousand *libs Scots*. *W. and M. par. 1, sess. 2, cap. 4.*

That Commissioners of Supply, and their Clerks and Collectors, take the Oath of Allegiance. *W. and M. par. 1, sess. 2, cap. 7.* And that the Commissioners named for the Supply then given, take it betwixt and the first of *August 1690*, or be debarred. *cap. 8, Ibid.* *Item*, The Privy Council impowered to put the Oath of Allegiance to all suspect Persons. *W. and M. par. 1, sess. 2, cap. 14.* See *Council.*

Act for taking the Oath of Allegiance, and subscribing the same with the Assurance both subjoined to the Act; and the Act is very full and particular, as to the Persons thereto lyable, and manner of taking. *Item*, That none be allowed to keep any Horse above an hundred *merks*, or Arms more than a walking Sword, unless they swear the Oath of Allegiance, and subscribe the same with the Assurance, under the Pain of a thousand *merks*; but the general Power given to the Council, to put all to Qualify themselves as they should think fit, limited till the next Session of Parliament. *W. and M. par. 1, sess. 4, cap. 6.* But the dyet for Ministers taking prerogative. *cap. 37, ibid.*

Over-Lord, *see* Superiour.

Oxen, *see* Horse.

P.

Packing, *and* Peiling, *see* Burghs.

Packet.

THE Robbing or Seasing the Mail or Packet of Letters, going or coming by the common Post, declared to be Robbery, and punishable by Death and Confiscation. *W. and M. par. 1, sess. 2, cap. 3.*

Pains, *and* Penal-Statutes.

That pecunial Pains be taken up in Gold and Silver, at the Avail of the Money when the Acts were made, or else augmented in the Money now Current, and so of Compositions. *Jam. 6, Par. 11, cap. 70.*

That the Lords of Session, grant no Suspensions of Unlaws of liquid Sums, Charged for by the Thesaurer, without Consignation or good Security. *Jam. 6, Par. 12, cap. 126.* The Act is, *The Names of Rebels should be delivered to the Thesaurer, &c.*

The Pains of Lawborrows, not reporting of Letters to the Justice-Clerk, and not Compearance before the Justice after Soverty found; for Earl or Lord, two thousand *libs*, Great Baron a thousand *libs*, Free-holder a thousand *merks*, a Gentleman unlanded two hundred

hundred *merks*, a Yeoman a hundred *merks*, each Person summoned on Affise before the Justices, an hundred *merks*, and for each Person arrested, and not compearand the first Justice-Air, twenty *libs*. Jam. 6, Par. 13, cap. 166.

That all pecunial Pains and Unlaws, contained in the Laws of the Realm, before the first of March 1542, be augmented ten Fold, that is one *shilling*, or one *lib*, to ten *shillings*, or ten *libs*, and so furth. Jam. 6, Par. 15, cap. 267.

Pardon of Penal-Statutes for bygones. Jam. 6, Par. 21, cap. 9. anno 1612, the like Jam. 6, par. 23, cap. 23. the like Cha. 1, par. 1, cap. 27. the like Cha. 2, par. 1, sess. 1, cap. 27. and the like Car. 2, par. 1, sess. 3, cap. 29. Most of these Acts contain a few Exceptions of certain Crimes.

Papists, *see* Mass and Religion.

That all suspect to be Papists, be warned by the Bishops and Ministers, to Recant, and give Confession of their Faith, according to the approved Form, under the Pain of Excommunication; and if they failzy, that they be Excommunicate: That a Roll be made and Printed, of the Persons obstinate, or Relapse, who shall be Infamous, and Incapable to sit or stand in Judgement, Pursue, or bear Office, or to be Witness, or Assisours against these of the true Religion; neither can they make Deputes, nor grant Procurations; and an Exception being hereupon proponed, and verified by the said Roll, if repelled, and Instruments thereon taken, shall be an sufficient ground of Suspension. Jam. 6, par. 3, cap. 45.

That none use Superstitious, papistical Rites. Jam. 6, par. 7, cap. 104. *See it in Pilgrimages.*

Papists required by Presbytries to satisfy the Kirk, and not compearand, or refuseand, should be Charged to produce the Presbytries Testimonial, by the Privy Council, and in case of failzy Deneounced, whereby their Escheat simple and liferent vaicks, and who thereafter Resets, incur the same Pain; and the Presbytry, or any Minister thereof negligent, tines the half of his Stipend for that Year. Jam. 6, par. 14, cap. 197.

That Papists be presented, that they may be Prosecute according to Law; and that Children under Popish Parents, Tutors, or Curators, be taken from them, and committed to the Education of some well affected and religious Friend, at the sight, and by the Order of the Privy Council. Cha. 2, par. 1, sess. 1, cap. 8.

That no Papist make any gratuitous Disposition or Deed, in prejudice of their appearand Heirs, declaring such Disposition or Deed null; and that it be judged Gratuitous, unless the Granter, Writer and Witness, declare upon Oath, and Qualify satisfyingly before the Judge of the Bounds, that it was Granted for an onerous adequate Cause. W. and M. par. 1, sess. 5, cap. 26.

That whoever perverts a Protestant Subject to Popery, shall be proceeded against as a trafficking Papist: That a Protestant Servant turning Papist in a Popish Family, be punished as an Apostate; and the Master when required, obliged to put the Servant away, never more.

more to be received by him, or any other Popish Master, under the Pain of a hundred *libs*; and that Popish Masters allow their Protestant Servants due Liberty, to attend Worship and Catechizing, under the said Pain; and that these Servants use the same, under Pain of being Banished the Parish. *sess. 2, cap. 28.*

Act ratifying the Acts following. *viz. Jam. 6, par. 6, cap. 71. par. 7, cap. 104. ibid. W. and M. par. 1, sess. 5, cap. 26.* With all other Laws made against Popery and Papists; especially these against Jesuites, Priests, and traffiquing Papists, and all Sayers and Hearers of Mass, and Concealers of the same. *Item,* Whoever Seases any Priest, Jesuite, or traffiquing Papist, or their Refetters, upon Certificate of the Conviction of the Person seased by the Judge, shall have five hundred *merks*, for his Reward from the Thesaury, for which the Receiver-General may be Pursued before the Lords of Session. *Item,* If it be proven, that the said Priest, Jesuite, or traffiquing Papist, was held and reputed such, or that he changed his Name, or goes under another Name, and shall refuse the *Formula* of Purgation, subjoined to the Act, it shall be sufficient Ground for the Council to Banish him, never to return a Papist, under Pain of Death, to be inflicted by the Lords of the Justiciary, as in the Act. *Item,* If any Person be found in any Meeting, where there is either Altar, Mass-Book, or other Instruments of Popish Superstition, and shall refuse to Purge as above, it shall be sufficient Ground to the Council to Banish, under any Certification they shall think fit, even to that of Death *inclusive*; and whosoever Discovers and Seases the said banisht Priest, &c. after his return, shall have the foresaid Reward of five hundred *merks*, as above; and this without prejudice of former Laws. *Item,* The Act *Cha. 2, par. 1, cap. 1. anno 1661*, ratified: And anyr Protestant Relation, or his Majesty's Advocate or Solicitor, may pursue for the Exhibition and Education of Children, in the keeping of Papists: And the Lords of Council, or Lords of Session, are impowered to Modify an Aliment out of the Childrens or their Parents Means: And it is Recommended to Presbyteries, to Inform in this Matter. *Item,* No Papist profess, or not Purging, can receive any voluntar Deed or Disposition, made to them of any Lands, or real Rights, or Tacks of Lands, or Teinds, but the same are declared null; and to remain with the Granter, and no Action for Warrandice or Repetition of the Price. *Item,* No Papist past the Age of fifteen Years, can Succeed either as Heir, or by other Conveyance, from the Person to whom he may be Heir, until he Purge himself of Popery as above, and if being Educate in the Popish Religion, he Succeed as above, before the said Age, then he shall be obliged to Purge before he Attain the same: And the Person so Succeeding, failing in either of these Cases, the Succession devolves to the next Protestant Heir, who is to be Served as such to the defunct, and to have Right to the Estate and Rents, from the said Irritancy, ay and while the Person Excluded, or his Heir purge himself as above, in which Case he is to be Reponed, as before the Exclusion; the intervening Rents with the burden of the current Annualrents of Debts, remainin with the Protestant Successor; but this Exclusion to be without pre-

prejudice of Creditors before the Exclusion. *Item*, No Papist may grant any gratuitous Deed, in prejudice of his Heir, but the same is declared null, save as to the affecting the Granter's Person and Moveables. *Item*, The Protestant, on whom the Succession devolves by the said Exclusion, must prosecute his Right within two Years, else it falls to the next, and so furth. *Item*, The Papist and his Heir, must renounce Popery within ten Years, after the said Irritancy, (Minority not reckoned) or is to be Excluded for ever; and the Estate thus Devolving, devolves with all its lawful Conditions and Burdens. *Item*, No voluntar Right by a Papist in favours of his apparent Heir, also a Papist, shall be of force, tho prior to this Act, 23d November 1700, unless Cled with Infeftment or Possession, or produced in Judgement of before. *Item*, All Dispositions or Deeds, in favours of Cloysters, or other Popish Societies, are declared void, and to Accresce to the next Protestant Relation to the Granter. *Item*, No Adjudication is to expire in the Person of a Papist, but coming in the Person of a Protestant, the Legal being run, it expires within Year and Day thereafter; and no Adjudication or real Diligence, is competent to a Papist, upon any gratuitous Bond or Deed. *Item*, That the *Formula* of Purgation, be taken before the Council, or before the Presbytry, and reported within fourty days to the Council. *Item*, A Protestant apostatizing to Popery, by Profession or Practice, forfeits his Estate immediately to his next Heir being Protestant, as if he were dead; and this next Heir if in Pupillarity, is to be reckoned Protestant, if his Education be such; or if it be Popish, he is Excluded until he Purge as above. *Item*, That no suspect Papist be capable of any Trust, of the Persons or Affairs of Minors; and that none imploy them in such Trusts, until they Purge as above, under the Pain of a Years valued Rent, or a thousand *merks*, if the valued Rent be less, or the Employer no Heretor, *toties quoties*; and such Commissions, Tutories or Curatories, are declared void. *Item*, No suspect Papist, may teach any Science, Art, or Exercise in Families, or outwith, nor may a Protestant have a Popish domestick Servant, under the Pain of five hundred *merks*; and these Pains may be pursued by any Protestant, and upon Conviction, he is to have the same for Reward. *W. par. 1, sess. 9, cap. 3. See the Formula after the Act.*

Act ratifying and confirming all Laws against Popery and Papists, and for maintaining the true Protestant Religion and Church of Christ. *2. A. par. 1, anno 1702, cap. 3.*

Act against Popery and Papists as above. *2. A. par. 1, cap. 2. 1703.*

Parents.

That what Son or Daughter, above the Age of sixteen Years, not being Distracted, shall Beat or Curse Father or Mother, shall be put to Death without Mercy, and if they be under sixteen, but past Pupillarity, that they be punished at the Judges arbitrement. *Cha. 2, par. 1, sess. 1, cap. 20.*

Par-

Parricide.

Who slayes his Father or Mother, Gudshir or Guddam, he and all his Posterity, shall *in linea recta* be discharged from their Heretages for ever, and the next Collateral shall Succeed therein. *Jam. 6, par. 14, cap. 220.*

Parks, *see* Forrests.

The Privileges of the Kings Parks, *See Jam. 6, par. 14, cap. 210. in King.*

Parliament.

That Breakers of Acts of Parliament be punished as they Ordain. *Jam. 1, par. 2, cap. 29.*

That all Prelates, Earls, Barons, and Free-holders, seeing they are holden to give Presence in Parliaments, and General Councils, from thence forth compear in Person, and not by a Procurator, unless the Procurator alledge a lawful Cause of Absence. *Jam. 1, par. 3, cap. 52.*

That the Acts of this, and two preceeding Parliaments, be Registrare, and Extracts given to the Sheriffs who are to Publish them, and also to give Extracts to Prelates, Barons, and Burrows, on the Demanders Expences, under Pain of Deprivation. *Jam. 1, par. 3, cap. 67.*

That Sheriffs, Commissioners of Burrows, and Barons, get Copies of the Acts of Parliament, and gar Proclaim them; and the King is prayed to be diligent to Execute them. *Jam. 2, par. 14, cap. 89.*

That the Clerk-Register, cause Imprint such Acts of Parliament as concern the Common-Wealth, and that they chuse the Printer, providing the said Printer have also the King's Licence, and that none Unlicenced presume to Print them for six Years, under the Pain of Confiscation of the Books. *Jam. 5, par. 7, cap. 127.*

That the Acts of Parliament be Imprinted, *Jam. 6, par. 1, cap. 32.* The Act relates to this Parliament only, and the Act made by *Jam. 5, Anent raising of Fire and Burning, Par. 3, cap. 8.*

That the Laws of *Regiam Majestatem*, and other Laws, be Imprinted by the then Clerk-Register Sken. *Jam. 6, Par. 19, the 31 of the unprinted Acts.*

The old Unlaw of unexcused Absence from the Parliament ten libis. *Jam. 1, In the Titles of the Parliament 6, 7, & 8.*

That all to be chosen in any Parliament hereafter, for deciding of Causes and Complaints, swear to do the same faithfully and lawfully, according to their Skill. *Jam. 1, Par. 6, cap. 83.*

Small Burrows, or Free-holders, need not come to Parliaments, or General-Councils, but of each Shire there may be sent two or more, as it is of largeness, out-tane *Clackmannan* and *Kinross*, (of either of which an) chosen at the head Court; and these Commissioners shall chuse an wise Man to be the Common Speaker of the Par-

Parliament, to propone all Needs and Causes pertaining to the Commons, and thir Commissioners shall have power of the rest, under the Sheriffs Seal, and the Seal of diverse Barons, to hear, treat, and finally determine, all Causes proponed in Council, or Parliament, and shall have Costage of their Constituents, and their Rents, each *lib*, anothers fellow; all Bishops, Abbots, Priors, Dukes, Earls, Lords of Barliament, and Banrents, which the King will have Summoned by his special Precept, (*here the Act stops imperfectly*) but I think it wants the Words (are excepted) *Jam. 1, Par. 7, cap. 102.*

That no Free-holder, holding under twenty *libs*, be constrained to come to Parliament, or General-Council, as to Presence, unless he be a Baron, or specially warned by Writ. *Jam. 2, Par. 14, cap. 75.*

That no Free-holder, within an hundred *merks* of the extent that now is, be compelled to come Personally to Parliament, if he send his Procurator for him, unless he be specially called by the King's Writ; but all above this extent should come. *Jam. 4, Par. 6, cap. 78. anno 1503.*

Act ratifying the Act *Jam. 1, Par. 6, cap. 101* (above) about the Commissioners of small Barons to have Vote in Parliament, ordaining them to be Elected yearly by the Free-holders (which by the Preface of the Act should be under the Degree of Lords of Parliament having a fourty *shilling* Land, and actually residing within the Shire) at the first head Court after *Michaelmas*, or when the saids Free-holders please, or the Kings shall require them, and that their Names be notified by the Commissioners of the preceeding Year to the Director of the Chancellary, to the effect they may be warned by the Precepts to Parliaments, or General-Conventions, as the other Estates: That the Free-holders be Taxed, and Charged for the Expences of their Commissioners, and that they having Commissions Sealed and Subscribed by six at least, of the Barons, and Free-holders, shall be equal in Number with the Burrows, upon the Articles, and have Vote in Parliament; and his Majesty's Mis-sive shall be direct to certain of them before Parliaments, as to the Burrows; and that Letters be direct yearly by the Lords of Session at the instance of the Commissioners, for Conveening and Taxing the Free-holders for their Expences. *Jam. 6, par. 11, cap. 113.*

That these Commissioners be not admitted, unless they bring sufficient Commissions granted to them, in a full Convention of the Barons of the Shire, subscribed by a great number of the Barons present, and by the Clerk of the Convention; and the Clerk-Register is discharged to receive any Commission not in due Form. *Jam. 6, par. 15, cap. 272.*

Act for clearing Elections from Shires, that beside such as hold a fourty *shilling* Land of the King *in capite*, all Heretors, Liferenters, and Woodsetters holding of the King, and others who hold formerly of Bishops (the Bishops were not this time restored) and Abbots, and now hold of the King, having Yearly ten Chalders of Victual, or an thousand *libs* (Fen-Duties deduced) shall be, and are capable to Elect, and be Elected to Parliaments, Noblemen and their Vassals

fals excepted: That every such Commissioners have five *libs per diem*, including the first and last days of the Parliament, and eight days for coming, and as many for going, from, and to the farthest Shires of *Caithness* and *Sutherland*, and proportionally at nearer distance; and that the whole Free-holders, Heretors, and Liferenters, holding of the King or Prince, bear the said Burden, excepting Noblemen and their Vassals: And that upon an Attestation under the Clerk-Register's hand, of the days of the Parliament, this Allowance be raised, as the Excise, by Horning, Poinding and Quartering, that the said Commissioners be in like manner releived, and payed of the Prices of the Foot-Mantles; the Foot-Mantles being made furthcoming to the Shire at the rising of the Parliament. *Cha. 2, Par. 1, sess. 1, cap. 35.*

Act concerning the Election for Shires to Parliaments or Conventions, declaring such only capable to Vote and Elect, who have a Property or Superiority, and are in Possession of a fourty *shilling* Land of old Extent, holding of the King or Prince, or where the Extent appears not, then Lands worth four hundred *libs* of valued Rent, whether Kirk-Lands or other holden, of his Majesty, as King or Prince; as also clearly determining all other Questions, who have Right to Vote, and who not, and how the Rolls of the Free-holders should be made, the Meetings proceed, and Objections be proponed and discussed: That all Heretors, Liferenters and Wadsetters within each Shire contribute to the Commissioners Charges and Foot-Mantles, according to their Valuations, except Vassals of Noblemen or Bishops, or Lands holden Burgage. *Cha. 2, Par. 3, cap. 21.*

That no Man Interpret the King's Statutes, otherways then they bear, and to the Intent as the Maker understood them, under the pain to be punished at the King's will. *Jam. 1, Par. 7, cap. 108.*

The manner of Arrayments for the Parliament, and for Fore-speakers for the Cost, that speak for Meed; and that each Burgh where the Parliament sits, make Seidges for their sitting, under the pain of ten *libs*. *Jam. 2, Par. 11, cap. 47.* See *Apparel*. Ratified, and the King to make Patrons. *Par. 14, cap. 68.*

Parliaments need not be continued from day to day, but continue of themselves, ay and while they be dissolved by the King. *Jam. 3, Par. 5, cap. 39.*

The Free-Tenents of the Principality, give suit and presence in Parliament, ay and while the King have a Son, and the Prince be born. *Jam. 4, Par. 2, cap. 16.*

Act annulling all Acts of Parliament already made contrary to God's Word. *Jam. 6, Par. 1, cap. 3.*

That the Proclamation of the Acts of Parliament at the Mercat-Cross of *Edinburgh*, be sufficient Publication to all the Leidges, who are declared to be astricted to the obedience of the saids Acts, fourty days after the said Publication, *Jam. 6, Par. 7, cap. 128.*

That none impugn the Dignity and Authority of the Three Estates of Parliament, or seek to procure the Innovation or Diminution of the Power and Authority of the same Three Estates, or any of them, under the pain of Treason. *Jam. 6, Par. 8, cap. 130.*

That no Person take upon him the Place of more of the Estates of Parliament than one, to wit, that wherein he professes himself to live, and whereof he takes his Stile. *Jam. 6, Par. 11, cap. 33.*

The Unlaw of Absents from the Parliament not excused by the Lords of the Articles, of the Earl three hundred *libs*, of the Lord two hundred *libs*, of the Prelate an hundred *libs*, and of every Burgh an hundred *merks*; and that who Rides not be repute Absent, and that Letters be hereupon directed. *Ibid. cap. 34.*

Ratified, and the Unlaw of Absence for a Commissioner of Barons ordained to be an hundred *libs*, and that no Excuse be admitted, except attested by his Majesty, or his Commissioner, or in their Absence by the Lord Chancellor and Council, and the Certificate judicially produced the first day of the Parliament: That any Lord of Parliament so Excused, may give his Power to another of the same State, who shall be admitted to Reason and Vote for him. *Jam. 6, Par. 22, cap. 7.*

Heralds, Macers, or Trumpeters absent from the Parliament, or present, and not doing Duty, tine a Years Fee for the first Fault, and for the second may be deprived. *Jam. 6, Par. 11, cap. 35.*

That each State wear the Apparel to be appointed by the King, under the pain of two hundred *libs*, and to be debarred forth of the Parliament. *ibid. cap. 36.*

That the number of the Lords of Articles be equal in each State, and the fewest of each State six, and the most ten. *Ibid. cap. 37.*

That all Persons accused for Treason, or other Crimes, may have their Advocates, who may freely plead for them, annulling all Acts in the contrary. *ibid. cap. 38.*

Decisions in Parliament upon Cognition of the Cause, may not be called in Question by any inferior Judge. *ibid. cap. 39.*

That the above written order of Parliament be inviolably observed; and the King promises to do nothing directly or indirectly in prejudice of free Voting and Reasoning therein. *ibid. cap. 40.*

That there be no Quarrel or Trouble made in Parliament for Priority of Place, otherways then by Supplication; and that all content themselves with the direction of his Highness and the Estates, under the pain of being punished by the King and the Lords of the Articles, as disturbers of the Peace. *ibid. cap. 41.*

That no Ratification be past in Parliament upon simple Articles of Parties, but the Matter be first passed by Infestment upon Composition payed to the Thesaurer. *Ibid. cap. 78.* The Act is, *Anent the hearing of the Thesaurer's Accompts, &c.* And that any such Ratification past, be not Booked without a Certificate, that the Thesaurer is satisfied, and that otherways the same be null. And that Ratifications of particular Rights in this Parliament, prejudice not the Rights of others. *Jam. 6, par. 12, cap. 132.*

The like Act *Salvo*, as to Ratifications and other Acts in favours of particular Persons, whereunto others were not called. *Jam. 6, par. 14, cap. 215, Par. 21, cap. 11, Par. 22, cap. 23, and Par. 23, cap. 33.*

To strike, hurt, or slay any Person in the Parliament House, during the holding thereof, is Treason. *Jam. 6, Par. 13, cap. 173.*

That

That when the Parliament is proclaimed, four of each State be appointed to meet twenty days before the sitting thereof, to receive all manner of Articles and Supplications concerning general Laws, or particular Parties, which are to be delivered to the Clerk-Register, and by him presented to the saids Persons of the Estates, that they may reject what is frivolous and improper, and present things reasonable, formally in a Book to the Lords of the Articles; and that no Article or Supplication wanting a Title, or unsubscribed, be read or answered; reserving to the King to propone Articles at all times concerning himself, or the Common-Wealth. *Jam. 6, Par. 14, cap. 218.*

Act *Salvo Jure*, Declaring that no private Act past in that Parliament shall prejudice his Majesty, as to the Acts of Revocation anent the Superiorities of Erections, anent Regalities of Erections, and anent his Majesty's annexed Property, nor any other third Party of their lawful Rights and Defences; but the Parties are to be Judged according to the Rights standing in their Persons, before the making of the saids particular Acts; and this is declared to be the true meaning of all Acts *Salvo Jure*: There are some Exceptions made in this Act. *Cha. 1, Par. 1, cap. 31.*

That the Lord Chancellor for the time, or, in his absence, he who shall be nominate by the King, hath Right to Preside in all Parliaments, and all other publick Judicatories, where they shall happen to be present; and that at the first down sitting of Parliament, they Administrate to all its Members the Oath of Allegiance, and the Oath of Parliament, as in the Act; and all Acts as to the President, or Oath of Parliament, contrary hereunto, are rescinded. *Car. 2, Par. 1, sess. 1, cap. 1.*

The Parliaments and Committees after the Engagement 1648, rescinded. *Cha. 2, Par. 1, sess. 1, cap. 1.*

The Parliaments 1640, 1641, 44, 45, 46, 47, and 48, rescinded. *ibid. cap. 15. See Rescissory.*

Act *Salvo Jure*, *ibid. cap. 63.* the like *ibid. sess. 2, cap. 11.* The like Act, but excepting the Ratification of the Duke and Dutches of *Buccleuch*, their Contract of Marriage, past in that Session of Parliament. *ibid. sess. 3, cap. 30.* The like *Cha. 2, Par. 2, sess. 1, cap. 21.* The like *ibid. sess. 2, cap. 10.* The like *ibid. sess. 3, cap. 23.* And the like excepting from it the twenty sixth Act of this Parliament concerning publick Debts. *Cha. 2, Par. 3, cap. 28.*

Act concerning the Election and Constitution of the Lords of the Articles, where the Clergy choose eight of the Nobility, the Nobility eight of the Clergy, and these sixteen Elected, or such of them as present, eight Barons and eight Burgeses, to whom his Majesty's Commissioner adds the Officers of State, and the Lord Chancellor to Preside: Which Lords of Articles are to prepare Laws, Acts and Overtures, and order all things remitted to them by the Parliament. *Cha. 2, Par. 1, sess. 3, cap. 1.*

Act discharging Voting by Billets. *Cha. 2, Par. 1, sess. 3.* The Act is, *Act rescinding two Acts, &c.* Insert after the Index of unprinted Acts, 9th of September 1663.

Act *Salvo in communi forma*, Jam. 7, Par. 1, cap. 46.

Act *Salvo in communi forma*, Jam. 7, Par. 1, sess. 2, cap. 32.

The Convention of Estates in the Year 1689, turned into, and declared to be a lawful and free Parliament. W. and M. Par. 1, cap. 1. See *Convention*.

Act *Salvo Jure*, W. and M. Par. 1, cap. 5.

Act discharging the Committee of Parliament called the Articles, and rescinding the Act Cha. 2, Par. 1, sess. 3, cap. 1. Anent the manner of its Election; and declaring that the Estates of Parliament may choose their own Committees of a like number of each State to be chosen by their respective States, for preparing Motions and Overtures first made in the House, and these Committees may be altered at pleasure, without prejudice to the treating of Matters in plain Parliament; and the Officers of State may be present by the King or his Commissioners appointment in these Committees, to propose and debate, but not to Vote, but prejudice of the State of Noblemen, to chuse such of their Bench as are Officers of State, to be of these Committees, as they shall think fit. W. and M. Par. 1, sess. 2, cap. 3.

That in all Parliaments and Conventions, the Commissioners of the Shires following be augmented, viz. The Shires of *Edinburgh, Haddington, Berwick, Roxburgh, Lanerk, Dumfries, Air, Perth, Aberdeen, Fife and Forfar*, each of them two; the Stewardry of *Kirkcudbright*, and the Shires of *Stirling, Argyle, and Renfrew*, each of them one, above their ordinary Representation. W. and M. par. 1, sess. 2, cap. 11. Which Addition makes in all twenty six.

Act rescinding the Acts of Parliament following, viz. Cha. 2, Par. 1, sess. 2, cap. 4, and 5. sess. 3, cap. 2, and 3. Par. 2, sess. 2, cap. 5, 6, 7. sess. 4, cap. 9, 17. Par. 3, cap. 4. Jam. 7, Par. 1, sess. 1, cap. 6, 8, and 24. And generally all Acts made since the 1661, against Non-conformity, or for Conformity under Bishops. W. and M. Par. 1, sess. 2, cap. 27.

Act rescinding the Acts of Parliament following, viz. Cha. 2, Par. 1, sess. 1, cap. 17, and Par. 2, sess. 3, cap. 12, Cha. 2, Par. 1, sess. 2, cap. 25, and sess. 3, cap. 23. with all other Acts enjoying civil Pains on Sentences of Excommunication. Item, Cha. 2, Par. 3, cap. 6, 18. Jam. 7, Par. 1, cap. 2. (except as to the Annexation of the Excise) cap. 5, 6, 7, 8, 11, 13, 16, 27, 28. with an unprinted Act, reannexing the Lands of *Tarbat* from the Shire of *Cromarty*. W. and M. Par. 1, sess. 2, cap. 28.

Remit Process of Treason then depending before the Parliament, to the Commissioners of Justiciary. W. and M. Par. 1, sess. 2, cap. 43.

Act *Salvo*, excepting from the same all Acts of this Session of Parliament, bearing to be therefra excepted. W. and M. Par. 1, sess. 2, cap. 44.

Absents from Parliament or Convention of Estates (that is Absents the first day they being within the Kingdom, and not excused) lyable to the Penalty, each Nobleman two hundred *libs*, to be uplifted and exacted by Horning, by the general Receiver, upon a List subscribed by the Clerks. Item, Absents without leave from each Dyet, lyable in the Penalties, the Nobleman twelve *libs*, the Baron

Baron six *libs*, the Burgeſſs three *libs*, and if *ſero*, that is, coming after the calling of the Rolls, in the half of theſe; which are given to the Clerks for marking the *Sederunts* of Parliament, as is here appointed; and that they give Certificates to the Commiſſioners, for exacting their Fees from Shires and Burghs, conform to theſe *Sederunts*. *W. and M. Par. 1, ſeſſ. 3, cap. 1.*

Act *Salvo* in the common Form. *W. and M. Par. 1, ſeſſ. 3, cap. 5.*

Act *Salvo* in the common Form. *ſeſſ. 4, cap. 42.*

That Summons on Proteſts for Remeed of Law before the Parliament, proceed on a Bill, containing the Matter of the Cauſe, and be ſigned by the Party or his Advocate, and one of the ſix Clerks of Parliament; which before the fitting of the Parliament may be paſt by any of the Officers of State, and the time of it by the Lord Chancellor or Preſident, or any of the ſaid Officers, and in other caſes, Summons or Warrants for Citation, to be paſt by deliverance of Parliament, in time of Parliament, or of the Lords of Seſſion, when no Parliament, on a ſummar Citation, on a Bill containing and ſigned as above *in preſentia*, and the Summons thereon in his Maſteſty's name, to be directed to Macers, if the Party be within the Town of *Edinburgh*, to be Execute on fourty eight Hours, and if elſewhere, on fifteen days, but if in *Orkney* and *Zetland*, on fourty days, perſonally, or at the Parties dwelling Houſe, or if without the Kingdom, on ſixty days at the Croſs of *Edinburgh*, and Peer of *Leith*, to compear, with continuation of days; and the Summons to paſs under the Signet of the Seſſion, and for Bills and Letters price twelve *libs*, and the Signet three *libs*, and to be called, given out, and returned in the common Form; but no Decreet in abſence, ſave upon Application to, and by Sentence of Parliament; but Summons of Treason, and for other Crimes, with their Executions and Proceſſes to proceed as formerly; and the Citation by deliverance of the Lords of Seſſion, to found no Exception of Prejudiciality. *W. and M. Par. 1, ſeſſ. 5, cap. 2.*

Act *Salvo* &c. *cap. 44. ibid.*

That no Law paſs in that *Sederunt* of Parliament wherein it is firſt read. *ſeſſ. 6, cap. 10. ibid.*

Act *Salvo* &c. *cap. 45. ibid.*

That no Perſon having a Protection, be capable to chooſe, or be choſen a Member of Parliament, until he renounce the ſame. *W. Par. 1, ſeſſ. 7, cap. 22.*

Act *Salvo* &c. *cap. 27. Act Salvo. ſeſſ. 9, cap. 17.*

Act declaring the Meeting of Parliament 9th *June* 1702, by warrant of the 17th Act of the 6th Seſſion of Parliament 1696, and of her Maſteſty's Adjournment, to be a lawful free Meeting of Parliament, for the ends mentioned in the ſaid Act; and that it ſhall be high Treason for any to diſown or impugn the Dignity or Authority thereof, upon any pretence. *Q. A. Par. 1, cap. 4. anno 1702.*

Act of Adjournment. *Q. A. Par. 1, anno 1702, cap. 9.*

Act *Salvo* &c. *Q. A. Par. 1, ſeſſ. 3, cap. 9, anno 1705.*

Act ſettling the Manner of Electing the ſixteen Peers and fourty five Commoners, *viz.* thirty for the Shires and Stewardries, and fifteen for the Royal Burrows, to Represent *Scotland* in the two

Houſes

Houses of the Parliament of Great Britain. See the Act, which contains a special provision for chusing the said Numbers by the Bodies of this Parliament, to the first Parliament of Great Britain. *Q. A. Par. 1, sess. 4, cap. 8, anno 1707.*

Act Salvo &c. *Q. A. Par. 1, sess. 4, cap. 17. March 25th anno 1707.*

Pass.

That no Man break the King's safe Conduct, under the pain of Death. *Jam. 3, Par. 12, cap. 88.*

Passing forth of the Realm.

That Clerks or Laiks passing forth of the Realm, make their Exchange of Money with Exchangers within the Country; and that Clerks signify this, and their going, to the Chancellor, and Laiks to the Chamberlain, under the pain of twenty *libs* to the King. *Jam. 1, par. 6, cap. 48.*

That no Man Spiritual or Temporal, pass forth of the Realm without Licence, or being abroad, do any thing against their Licence; and that they have out no Money, under the pain of Proscription and Rebellion, and to be demeaned as Traitors. The Act proceeds upon a Preface of Abuses committed at the Court of Rome. *Jam. 4, par. 5, cap. 53.*

That Persons going out of the Kingdom for farder knowledge of Letters, have the King's Licence, and in what Terms. See *Jam. 6, par. 6, cap. 71. in Religion.* Acts anent the Youth going Abroad, See it in *Youth.*

Patron.

That Patrons present a qualified Person within six Months, after they have knowledge of the Vacancy, to the Superintendent, or Commissioner of the Kirk, otherways the Kirk may Dispose upon the Benefice, in case the Patron and Superintendent differ, the Appeal to be made to the Superintendent and Ministers of that Province, and from them to the General Assembly, who decide finally in the Matter. *Jam. 6, Par. 1, cap. 7.*

That Patrons of Provestries, Prebendaries, Altarages, and Chaplainries, may present the same to Bursars in Colleges at their pleasures, and they are requested to do the same. *Jam. 6, Par. 1, cap. 12.*

Amplly ratified; and the King with Advice of the Estates, expressly declares, that it was never his Mind to prejudge the saids Patrons, as to the saids Benefices, but that the Bursars and Titulars thereto provided, may fully and freely bruik the same, conform to the old Foundations, notwithstanding any Application made thereof, the time of Popery, or any Disposition made thereon by his Majesty. *Jam. 6, Par. 12, cap. 158.*

Both ratified; and it is further declared, that the Entry of the Vassals of the saids Benefices, shall belong to the saids Patrons, as Superi-

Superiors, in place of the Titulars, without necessity of the Titulars, or any others consent; reserving always to the Titulars, the Fruits and Profits of the saids Benefices; and where Burghs and their Magistrates were before Patrons, they are now also declared to be Superiors. *Cha. 2, Par. 1, sess. 1, cap. 54.*

That Laik Patrons have Right to the Fruits of their Benefices vauking, insinuate by Act, *Jam. 6, Par. 8, cap. 137.* The Act is, *Touching the Provision to his Highness of a Guard, &c. Par. 12, cap. 115.* The Act is, *Unqualified Persons being deprived, &c. and par. 13, cap. 172.* The Act is, *Infestments given to the King, &c.*

Laik Patrons Infest in the Right of Patronage, cannot be hurt by any long Possession of any Ecclesiastick Person getting the Possession, and pretending Right to the Benefice, while the Lands were Wadset; but the Laik Patron redeeming, returns to his Right of Presentation. *Jam. 6, Par. 11, cap. 61.*

A Sentence of Deprivation being intimate to the Patron, he must present within six Months, otherways his Right for that time devolves to the Presbytry. *Jam. 6, par. 12, cap. 115.*

All Infestments granted, or to be granted to his Majesty, containing the Gift of any Patronage, which pertained before to him, and whereof the Titular is alive, and not consenting to the Gift, the same is declared null, by way of Exception or Reply, as to the said Patronage, unless the Beneficed Persons consent shall be thereafter obtained. *Jam. 6, Par. 13, cap. 172.*

No beneficed Man under a Prelate, may set longer Tacks of Teinds, or others belonging to his Benefice without Consent of the Patron, than for the space of three Years. *Jam. 6, Par. 14, cap. 200.* See *Benefice.*

A Person being provided by the King or his Donator to a Benefice, at his Majesty's Presentation, by reason of the foresaulture of the Patron; and the Person presented having obtained Letters conform, and being in peaceable Possession, his Right and Title stands good, notwithstanding of the Restitution of the Patron foresaulted, or the Reduction of his Foresaulture, but prejudice to the Patron of his Right upon the next Vacation. *Jam. 6, Par. 20, cap. 12.*

That Patrons may lawfully take Tacks, or Conditions of Tacks from Intrants, with Reservation to the Kirk of a sufficient Maintenance. *Jam. 6, Par. 21, cap. 1.* (See *Simony*) And the same is again declared without prejudice of Ministers Maintenance modified or to be modified. *Cha. 2, par. 1, sess. 1, cap. 9.* The Act is, *Act approving the Engagement 1648, &c.*

Laik Patronages pertaining to Subjects before the Year 1651, fall within the Compass of the general Submission, and his Majesty's determination thereon, in so far as concerns a competent Maintenance to the Minister: The Teinds of other Mens Lands, and his Majesty's Annuity, and the remanent Teinds thereof, to pertain to Laik Patrons in Price or Rate, in all Cases where they were in Possession thereof, seven Years within the fifteen Years, immediately preceeding the said Submission; but there is a Reference made to his Majesty of Differences, where the Titular or Minister were in Possession of the Benefice for the said space. *Cha. 1, Par. 1, cap. 19.*

cap. 19. The Act is, *The Commission for Valuation of Teinds, &c.*

That the rescinding of the Act 1649, which did abolish Patronages, and gave the Patrons Right to the Teinds in place thereof, doth not give the present Incumbents any further Right to the Teinds, than they had before the making of this Act. *Cha. 2, Par. 1, sess. 1, cap. 9.* The Act is, *Act approving the Engagement 1648, &c.*

That all Patrons of Kirks, or Benefices of Cure, be careful to present pious, legal, learned, and peaceable Men, who shall take and subscribe the Oath of Allegiance, before a Judge Ordinary, before the granting, and their accepting the Presentation; otherways if a Person that hath not taken the Oath, shall be presented, the Presentation shall not only be void, but the Right thereof as to that Vacancy shall belong to the King, and the Patron be reputed dissatisfied to his Majesty's Government, and a Contemner of his Authority. *Cha. 2, Par. 1, sess. 1, cap. 36.*

The Power of Presentation of Ministers acclaimed by Patrons discharged, but prejudice to them to imploy the vacant Stipends for pious Uses within the Paroches, if they be Protestants, or if Popish, by the Advice and Appointment of the Presbytry, wherein if they failzy, they amit their Privilege for that, and the next Vacancy to the Presbytry, excepting from this Act, the vacant Stipends within the Synod of *Argyle*: And for the said power of Presentation taken from the Patrons, the Heretors of each Paroch, are ordained to pay them six hundred *merks*, including the Patrons own part estfeirand to their Valuations, two thirds by the Heretors, and a third by the Liferenters; and the Patrons may compel the Heretors to make, and the Heretors the Patrons to accept of the said payment, as in the Act. *Item*, The Teinds, where not heretably Disposed, are given to the Patrons, but with the burden of Tacks, and all their natural burdens, and Redeemable from them by the Heretors at six years Purchase after Valuation. *Item*, The Superiorities belonging to these Benefices are given to the King, as the Superiorities of other Kirk-lands were given by way of Reversion in the Year 1633, excepting the Feu-Farms, where a part of the modified Stipend, or where the Minister in Possession thereof for ten Years, or where he hath the full Benefice, in which cases they are not Redeemable: Also excepting from this, Act in favours of the Duke of Hamilton, the Superiorities of the Deanry of Hamilton, and Provostry of *Bothwell*. *W. and M. Par. 1, sess. 2, cap. 23.* But instead of the Deanry, it should be the Provostry of *Hamilton*; and so it is corrected, *sess. 4, cap. 35. ibid.* And this benefit of the Teinds in lieu of the Presentation now abolished, extended to the Patrons of all Parsonages and other Benefices, with the burden as above; and farther, of two Ministers in one Paroch, if the Commission think fit, providing that the Minister Beneficed, and in Possession, continue so until the Patron obtain him a just Stipend, legally settled upon him. *W. and M. Par. 1, sess. 4, cap. 26.*

Payment, *see* Money.

Order for payments on the then Change of Money, and that
Wad-

Wadsets upon the Money running at that time, be out quite by the same, or by the avail. *Jam. 2, Par. 8, cap. 36.*

That Debts be payed of the same Sums in substance, as it was intended betwixt the Parties, before the Act crying up the Money, and that usual Money of *Scotland* in all bygone Contracts, be understood as the Money-Rent before it was cryed up. *Jam. 3, Par. 3, cap. 19. and par. 8, cap. 69.*

The King being prayed, grants that if he cryed down the Money, yet payments shall be made at the present avail. *Jam. 3, par. 3, cap. 21.*

That of Black or Copper Money, there be taken in payment, twelve pennies only in the pound. *Jam. 3, par. 4, cap. 22.* Augmented to two shillings per pound. *ibid. cap. 24.*

Peace, *see* Fead.

That Peace be kept, and holden through the Realm, that no Man move War against another, under the pain of Law. *Jam. 1, par. 1, cap. 2.*

That the King make Peace and Unity among his great Lords, and that they, and the Justices, make Unity among smaller Persons. *Jam. 3, par. 13, cap. 92.*

That the King for Peace, make all Parties and Persons to be at Friendship and Concord; and punish the Party obstinately refusing. *Jam. 4, par. 2, cap. 8.*

The Acts anent Clans and Chiftains, for repressing Thefts and Depredations in the Highlands, extended to the Case of publick Peace, and for preserving thereof. *W. and M. Par. 1, sess. 4, cap. 39.*

Peck to the Boll.

That in Bargains for Victual, no eik or addition of any Quantity be made, except upon payment for the same price, as is conditioned for the first Boll, and that under the pain of forty shillings to be payed by the Receiver, for every Boll otherways received, (beside the price) the half to the King, the other half to the Delator. *Jam. 6, Par. 23, cap. 17.*

Pedagogue, *see* Youth.

That Pedagogues sent by Noblemen, and others, with their Sons out of the Country, have the Bishop's Testimonial of his Religion, and Learning, under the pains to the Earl of five thousand *libs*, to the Lord of five thousand *merks*, and to the Baron of three thousand *merks*. *Jam. 6, Par. 20, cap. 1.*

That none be admitted Pedagogues without Licence of the Ordinary. *Cha. 2, Par. 1, sess. 2, cap. 4.* The Act is, *Act concerning Masters of Universities, &c.*

That Pedagogues take the Test. *Cha. 2, Par. 3, cap. 6.* See it in Test. See the Act *W. par. 1, sess. 9, cap. 3, in Papists, &c.*

Pen-

An Abridgement of the Pension.

That no Pension be purchassed of any Benefice, without consent of the Possessor. *Jam. 3, Par. 1, cap. 4.*

He who pretends Right to any Pension, purchassed after the date of this Act, should produce the principal Gift, and the same being improven, or reduced, any Ratification, Confirmation, Decreet, or Letters thereupon fall *in consequentiam*. *Jam. 6, Par. 11, cap. 62.*

Act ratifying the Clause in the Act of Annexations 1587, about Pensions; and that all Pensions out of Prelacies, whether Spirituality or Temporality thereof, not Authorized by Decreet, or Possession in the Prelates life, and before the Act of Annexation, be null and of none avail. *Jam. 6, Par. 12, cap. 137.*

Perambulation.

That in Perambulations, the Persons of Inquest be honest substantial Men, Heretors within the Shire, if they may be had, or four halves about, or four next Shires, that best know the Meaths of the Lands, unless the Brieves be proven by a bounding Evident, or authentick Writ. *Jam. 6, Par. 6, cap. 79.*

Pestilence.

That Houses be closed up the time of Pestilence, or if the Inhabitants be unwilling to be closed up, that they be put out of Towns, and that no Man Burn, (that is finge for Cleansing) anothers House, but if it may be done without his Neighbour's Skaith. *Jam. 2, Par. 13, cap. 57.*

Pewter.

That Pewterers put the Mark, and his own Name upon his Work, and that it be of the Finest, Marked with the Rose in *England*, under the pain of Escheat thereof, and further punishment by the Magistrates; and for this end, that there be Sey-Masters appointed, and that Pewterers rake betwixt the pound of old Tin, or Pewter Marked with the Rose, as said is, and the pound of new Casten by them, two *shillings* allenarly, under the pains foresaid. *Cha. 2, par. 1, sess. 3, cap. 8.*

That broken Pewter be not Exported. *Cha. 2, Par. 1, sess. 1, cap. 46.* See it in *Forbidden Goods*.

Pilgrimage.

That none go in Pilgrimage to Kirks, Chapels, Crosses, or the like, keep Saints days, sing Carrols, or observe any other superstitious Papistical Rite, under the pain of an hundred *libs* the Landed Man, an hundred *merks* the Unlanded Man, and fourty *libs* the Yeoman, and the Offender not Responsal, to be imprisoned for the
first

first fault ; and for the second, that the Offenders be punished by Death as Idolaters. *Jam. 6, Par. 7, cap. 104.*

Plantation of Kirks.

Commission for Plantation of Kirks, the meanest Stipend, where the Fruits of the Benefice may afford it, five hundred *merks*, or five Chalder of Victual ; the highest an thousand *merks*, or ten Chalder ; and power given to recompense Patrons, Tacksmen, and Sub-tacksmen, by Tacks, Prorogations, and otherways, as the Commissioners shall think fit : Declaring, that where this Commission shall take effect by Decreet, the Persons having Right to the Teinds shall not be farther quarelled ; and this Commission to endure until the first of *August* 1618. *Jam. 6, par. 22, cap. 3. anno 1617.*

Another Commission for Plantation of Kirks, almost in the same Terms, appointed to begin the tenth of *January* 1622, and to endure for Year and Day. *Jam. 6, Par. 23, cap. 5.*

Act ratifying the Act of Commission of Surrenders, 26th of *June* 1627, finding eight Chalder of Victual, or proportional in Silver, and Victual, to be the lowest Mantainance for any Kirk, except particular reason occur, which are by this Act referred to be considered by the the Commissioners for Plantation, &c. And all Acts and Decreets of Modification, already made by the said Commission are ratified, and Letters ordained to be direct thereon. *Cha. 1, Par. 1, cap. 8.*

Commission for Valuation of Teinds, and Plantation of Kirks. *Cha. 1, par. 1, cap. 19. anno 1633.*

All Decreets and Sentences, given by the Commissioners for Plantation of Kirks, in the Years 1649, and 1650, are declared to be valid, albeit the Authority of these Commissions be declared void, except in so far as the same upon Complaint should be found to have been unjustly pronounced by the Commission, to be given in this Parliament. *Cha. 2, Par. 1, sess. 1, cap. 9.* The Act is, *Act approving the Engagement* 1648, &c.

Commission for Plantation of Kirks, and Valuation of Teinds, ratifying all Acts, and Decreets of former Commissions, granted since the Year 1640, albeit all Parliaments since that time be rescinded, this Act gives power to value (but not to sell Teinds) even where Ministers are in possession by Leading ; as also, allows Heretors to buy, any time within three Years after Valuation. *Cha. 2, Par. 1, sess. 1, cap. 61. anno 1661.*

Commission for Plantation of Kirks and Valuation of Teinds, ratifying the Commission 1633, (except as to alterations made by subsequent Commissions ratified in Parliament) as also the Commission 1661 : This Commission is almost of the same Tenor with the former, only it excepts from the Ratification of the Acts and Decreets of former Commissions, since the Year 1640, all Decreets of Valuation, or Modification, past since the Year 1637, whereby the Bishops are prejudged of what they then possessed. *Cha. 2, par. 1, sess. 3, cap. 28.*

Commission for Plantation of Kirks, and Valuation of Teinds, much of the Tenor of the former; and referring to the Commission 1633, as to the modifying and settling of Stipends, and giving Heretors liberty to buy within three Years after the date of this Act, which is of the 28th *August* 1672; and if they be Minors, two Years after their Majority, &c. *Cha. 2, par. 2, sess. 3, cap. 15.*

Commission for Plantation of Kirks, and Valuation of Teinds, much of the Tenor of the last. *Jam. 7, par. 1, cap. 28.*

Commission for Plantation of Kirks, almost in the common Form; but the Commissioners names still blank. *Jam. 7, par. 1, sess. 2, cap. 22.*

Commission for Plantation of Kirks, and Valuation of Teinds, much in the common Form; but allowing the valuing of all Teinds without exception: As also, the buying of all Teinds, except such as belong to, and are possess'd by Ministers for their Stipends. *W. and M. Par. 1, sess. 2, cap. 30.*

This Commission ratified, with some alterations. *See the Act.* Item, That Teinds once pertaining to Heretors, who Feued out the Lands, but without, or reserving the Teinds: As also, Teinds belonging to their Majesties by the abolishing of Prelacy, so long as they remain undisposed: As likeways, Teinds belonging to Colleges and Hospitals, or destinate to pious Uses, are not to be sold, but may only be valued. Item, Patrons, Titulars, and Tacksmen of Teinds, may not allocate after Citation, but only proportionally set, so as he may except the Teinds of his own Lands, if there be sufficient Teinds beside: Where a warrant for Leading of Teinds is obtained by the Heretor on his Intenting an Action for Valuation, the same may be cut off by the Defenders taking out a Protestation for not Insisting. Item, The Times and Places of the sitting of the Commission, to be Wednesday each Week in the Inner-house, from the first Wednesday of the Session, to the first Wednesday after it, both inclusive. *W. and M. Par. 1, sess. 4, cap. 24.* But the *Quorum* of the Commission determined to be seven, whereof one of each State, and the withdrawing of one or more of each State, nor the absence of the Officers of State, is declared not to break the said *Quorum*, if seven Commissioners remain. *sess. 5, cap. 18.*

Act settling the Powers of the Commissions for Plantation of Kirks and Valuation of Teinds, upon the Lords of Session, with a provision, that the Transporting of Kirks, Disjoining of too large Paroches, and Erecting and Building of new Kirks, be with consent of three parts of four of the Heretors, by the Valuation of the Paroch; and the Act defines how the burnt Registers may be made up; and who shall be Clerks and Macers to the Lords in these Matters. *2. A. par. 1, sess. 4, cap. 9. anno 1707.*

Planting, and Policy.

That Free-holders cause their Tenents plant Woods, Trees, and Hedges, and sow Broom in convenient places. *Jam. 2, Par. 14, cap. 80.*

For Planting and Policy, That every Lord and Laird make Parks, with Deer, Stanks, Cuningairs, Dowcats, Orchyards, and Hedges, and Plant at the least an Aiker of Wood. *Jam. 4, Par. 6, cap. 74.*

Ratified, and that every Man, having an hundred *libs* Land of new Extent, where there is no Wood, Plant Wood, and make Hedges, and Haining, extended to three Aikers, less or more, effecting to his Heretage; and that they cause their Tenents plant for every Merk-Land a Tree, under the pain of ten *libs*, to be payed by each Laird that failzies; and the King may give Commission to Execute this Act. *Jam. 5, Par. 4, cap. 10.*

Acts against Peeling, Barking and Destroying of Wood: See it in *Theft and Wood*, especially the Act *Jam. 6, Par. 19, cap. 3.* in *Theft*; which provides particularly and amply for the preservation of Planting, Inclosures, and all manner of Policy.

Act ratifying the Act, *Jam. 1, Par. 4, cap. 9.* Entituled, *An Act for Planting of Woods, Forrests and Orchyards*, (but there is no such Act, but the Act mean'd must be *Jam. 2, par. 14, cap. 80.* To sow Broom, and make Hedges; or *Jam. 4, par. 6, cap. 74.* That Hedges and Parks, &c. be made) and all other Acts for that effect: And further, that every Heretor, Liferenter, or Wadsetter, worth a thousand *libs* of valued Rent, Inclose yearly for ten Years next ensuing, four Aikers of Ground, and Plant the same with Oak, and other Trees, at three Yards distance; and other Heretors of greater or less Rent accordingly; and that they uphold the same, and they may at the sight of the Judge Ordinary, cast about the high Ways, not exceeding two hundred Ells on their whole Ground; and where there are Liferenters, that the Charges be divided betwixt them and the Heretors; and the proper Wadsetters shall have the Charges of their Planting eiked to the Reversion: And who Cutts or Breaks any such Tree, shall pay twenty *libs*, or who breaks down the Inclosure, five *libs* to the Heretor, or Work six Weeks, or ten days to him for Meat and Drink only; and these Inclosed Grounds are declared free of all Burdens and Quarterings of Horse for nineteen Years after the date of the Act: That Neighbours keep their Beasts off others Inclosures at all times, under the pain of five *libs* *toties quoties* to the owner: And that where Inclosures fall to be made on Marches, the next Heretor be at half Charges. *Cha. 2, par. 1, sess. 1, cap. 41.* And if the Marches be crooked and unequal, or unfit for Dike or Ditch, the Incloser may require the Sheriff, Justices of Peace, or other Judge Ordinary, to Visit and Regulate the Marches with the best Conveniencies, by Adjudging pieces *hinc inde*, and ordaining any superplus Price that happens for Adjusting, to be payed: That the Dike or Ditch so made, be thereafter the common March. *Cha. 2, Par. 2, sess. 1, cap. 17.*

The Acts, *Cha. 2, Par. 1, cap. 41.* and *Par. 2, cap. 17.* for Planting ratified, and the whole Heads in the first Act prorogate for nineteen Years, from the date of this Act, 1685. *Item*, That no Person cut, break, pull up, or peill, the Bark of any Tree, within ten years Growth, under the pain of ten *libs*, and if above ten

Years, under the pain of twenty *libs* each Tree; and that the Haver and User of the Timber, be lyable to the said pain, unless he produce the Person, from whom he got it, and the insolvent to Work for his Fine at half *merk* per *diem* to the Heretor; and that none break down, or pull up, Dike, Hedge, or Ditch, or leap, or suffer Horse, Nolt, or Sheep, to go over them, under the said pain of ten *libs* *toties quoties*, half to the Heretor, half to the mending of Ways and Bridges, at the sight of the Judge. *Jam. 7, Par. 1, sess. 1, cap. 39.*

That Tenents and Cottars preserve the Planting, on their Possessions, under the pain of ten *libs*, for each Tree within ten Years old, and twenty *libs* for each Tree above, to be exacted only by their Masters; and that they be lyable for all in their Houses. *W. Par. 1, sess. 7, cap. 16.*

Act ordaining Heretors to cause Herd their Horse, Nolt, Sheep, Swine and Goats, the Winter as well as Summer, and to house or inclose them in the Night, under the pain of half a *merk* *toties quoties*, for ilk beast found on a Neighbours Ground, beside the damage, for which the Beast may be detained. *Jam. 7, par. 1, sess. 2, cap. 11.*

Playes.

Act discharging the Playes and Personages of Robin Hood, Little John, Abbot of Unreason, and Queen of May, *Q. M. par. 6, cap. 61.*

Pledges, *see* Highlands.

That no Nobleman, or Baron (being burdened therewith) refuse to accept of Highland or Border Pledges; that they receive them, and be answerable for them, under the pain of two thousand *libs* for each Pledge. *Jam. 6, Par. 16, cap. 28.*

Plea, *see* Actions.

That no Lord of Session, ordinary or extraordinary, Advocates, Clerks, Writers, their Servants, or any other Member of the College of Justice, or any inferior Judgement, by themselves, or others, to their behoove, buy any Lands, Rooms, Possessions depending in Plea undecided, under the pain of tining their Places, and all Privileges thereof. *Jam. 6, Par. 14, cap. 216.*

Plot.

The discovery and narrative of the Plot 1685 approven. *Jam. 7, par. 1, cap. 30.* This Act rescinded. *W. and M. Par. 1, sess. 2, cap. 28.*

Plough, *see* Labouring and Sowing.

Poinding.

That Poinding for Mails and Annualrents, be deferred to the third day, after the solemn days of *Whitsunday* or *Martinmass*. *Jam. 3, Par. 5, cap. 35.* See Sabbath.

That

That Horse, Oxen, or other Goods pertaining to the Plough, and Labour, be not Pounded the time of Labour, where other Goods or Lands may be had to be Pounded or Apprised, *Jam. 4, par. 6, cap. 98.*

That Decrees given in Actions of double Pounding for the Party compearing, may not be quarelled as to bygones, by the Party absent, unless he have an necessary cause of absence: And that Minors lesed by their absence, have Action of Damages against their Tutors and Curators allenarly; but if the Minor have none, that he be restored as accords. *Jam. 6, Par. 9, cap. 3.* Albeit this Act be declarative, and was made to comprehend all Causes then depending, and undecided; yet it is afterward restricted to Reductions of such Decrees as were obtained after the making thereof allenarly. *Jam. 6, par. 10, cap. 19.*

Ratification of the Act, *Jam. 8, par. 18, cap. 10. In Horning.* And that Letters of Pounding be in like manner directed upon Sheriffs, Commissars, and other inferior Judges Decrees, mentioned in the said Act, and this Act drawn back to the 12th of June 1649. *Car. 2, Par. 1, sess. 1, cap. 29.*

That Pounding be not used upon Bonds, or Decrees for personal Debts, until the Charge be given and expired, under the pain of Spulzy; but prejudice of Masters Decrees against their Tenents in their own Courts, and Superiors Pounding for Feu-Duties as formerly. *Cha. 2, par. 2, sess. 1, cap. 4.*

Pork, *see* Beef.

Pole.

Act for a Pole, for payment of Arrears first due to the Country, and then to the Forces, before the first of February 1691, with a most strict Destination; but that none be lyable to produce Discharges thereof after *Martinmass 1697. W. and M. par. 1, sess. 4, cap. 9.* See the *Act.*

Act for another Pole, containing also a Destination, and in the first place for Ships of War; and that none be lyable to produce Discharges after *Martinmass 1696. sess. 5, cap. 10.*

Act for turning the Tack of the Pole 1693 to a Collection, with a Commission for that effect, and for calling to Accompt for the Hearth-Money. *cap. 31, ibid.*

Act approving the Proclamation of the Council 13th of August 1696, prorogating the terms of payment and of production of Discharges of the Pole 1695. *sess. 6, cap. 30. ibid.*

Act for a new Pole towards the Ends and Uses therein mentioned. *sess. 7, cap. 12. ibid.*

And this Pole given for a second Year in the terms of the former, *mutatis mutandis*; and for the Causes therein mentioned. *cap. 25. ibid.*

Remit of all Questions about the Pole 1693, to be determined by the Commissioners of the Pole, betwixt and the first of March 1699. *cap. 26. ibid.*

Act and Commission to determine all Differences and Questions about the said Pole 1693, and to make Application thereof, for payment of Arrears still due: As also, to enquire after other Funds given for that End. *sess. 9, cap. 16. ibid.*

Poor, *see* Beggers.

For preventing the increase of Beggers, his Majesty's Leidges asight of the Provost and Baillies within Burgh, or of Kirk-Sessions, either to Burgh or Landwart, may receive the Children of indigent Parents, with consent of their Parents, if they any have, and if they be under fourteen Years; and with their own consent, if above, and Breed them either in their Houses, or at Callings; and upon a Testimonial hereof, the saids Children shall be astricted to their saids Masters, their Heirs and Assignes, in all manner of Service, and be under all manner of Discipline (Life and Torture excepted) until they be past thirty Years of Age, and all their Gain by their Travel shall be their Masters, and they shall be bound to refund his Damage for their absence; and who keeps them from him, after requisition for redelivery upon twelve hours, shall be lyable in ten *shillings per diem*, beside the redelivery. *Jam. 6, par. 22, cap. 10.*

Ratified with this Addition, That all Masters of Manufactories, may with Advice of the Magistrates of the Place seize Vagabounds, and Idle poor Persons, and Imploy them in their Work, and exact off the Paroches where they were Born, or if not known, the Paroches where they have haunted three Years before, two *shillings per diem* for the next three Years, in manner prescribed in the Act; and thereafter may retain them seven Years in their Service for Meat and Cloaths. *Cha. 2, par. 1, sess. 3, cap. 16.*

The oversight of the Poor committed to the Justices of Peace, who are impowered to appoint two or more Overseers, in every Paroch, and take account of them as in the Act. *Cha. 2, par. 1, sess. 13, cap. 38. See it in Justice of Peace.*

Order for appointing and entertaining one, or more, in each Paroch, on the Heretors Expences, to teach poor Children, Vagabounds and Idlers, to fine and mix Wool, spin Worsted, and work Stockings. *ibid. cap. 42.*

Act for establishing Correction-Houses, for idle Beggers and Vagabounds, in the Burghs, upon the Allowance, and in way and manner set down in the Act. *Cha. 2, par. 2, sess. 3, cap. 18.*

Act ratifying and reviving all Acts and Proclamations for Maintaining the Poor, and repressing Beggers, recommending their Prosecution to the Council. *W. Par. 1, sess. 5, cap. 43.*

Act ratifying as above, and impowering the Council to grant Commissions; as also to make Acts for the end foresaid, to endure till the next Session of Parliament. *sess. 6, cap. 29.*

Act ratifying and reviving fully and particularly as above; and likewise impowering the Council as above. *sess. 7, cap. 21.*

Pope.

Act ratifying the Act of Parliament 24th August 1560, abolishing the

the Popes Jurisdiction and Authority within this Kingdom. *Jam. 6, Par. 1, cap. 2.*

That all Bulls, Provisions, Confirmations, and Gifts of Benefices, granted by the Pope, or Queen Mother, to the King, be produced before Commissioners, to be appointed by his Majesty; and in case the same be found true and lawfully purchased before the 24th of *August 1560*, that they be Registrate and Marked, otherways that they be declared null. *Jam. 6, par. 3, cap. 51.*

Post-Office.

Act settling the Post-Office, with the Powers, Privileges and Dues of the Post-Master-General, whether the same be set in Tack, or not. *Item*, That he take the Oath of Allegiance and Assurance, and that general Letters be direct at his instance against his Deputies, as for his Majesty's Revenue. *W. and M. par. 1, sess. 5, cap. 20.* See the *Act which bears a Remit to the Council.*

Poyson.

That no Man nor Woman, inbring any kind of Poyson, through which Man or Woman may take Bodily harm, into the Realm, for any manner of Use, under the pain of Treason. *Jam. 2, Par. 7, cap. 30.* And this Act extended against Strangers. *ibid. cap. 31.*

Preaching.

That none be permitted to Preach without Licence of the Ordinary. *Cha. 2, Par. 1, sess. 2, cap. 4.* The Act is, *Concerning Masters of Universities, &c.*

Precepts, see Procuratories of Resignation.

That Precepts upon Retours pass as before to Sheriffs, and other Judges, with the Clause *Capiendo securitatem*, without urging Parties to present payment. *Jam. 6, Par. 12. cap. 126.* The Act is, *Anent the Duty of Sheriffs, &c.*

That no Precepts of Seisin be thereafter written to, or under the Quarter Seal; but that they be ingrossed in the end of the Chartor. *Cha. 2, Par. 2, sess. 3. cap. 7.*

Preference of Real Rights.

That the Preference of all Real Rights, whereupon Seisin is taken, be determined according to the date, and priority of the Registration of the Seisins, without respect to the distinction of Base and Publick Infeudments, or cled, or not cled with Possession in all time coming. *W. and M. par. 1, sess. 4, cap. 13.*

An Abridgement of the Prelate, and Prelacy.

When Prelacies, that is Bishopricks, and Abbacies vaik, the Nomination thereof pertains to the King, and the Provision to the Pope, and that none take their Places, Castles, Strengths, or Abbacies, without the King's Authority, or the Convents consent, the Abbacy vaiking, under the pain of high Treason. *Jam. 5, Par. 7, cap. 325.*

That all Gifts and Dispositions of Prelacies, Abbacies, Priories, and Nunries, made by the King, upon the Resignation of the Possessors, reserving their Literents, are null; and that no Gift of any Prelacy be valid in time coming except it vaik by Decease, Forfeiture, or simple Dimission. *Jam. 6, Par. 9, cap. 1.* But this Act corrected, and declared to be of force only, *quoad futura*, and Gifts made after the date thereof. *Jam. 6, par. 13, cap. 187.* And for obviating of Frauds as to ante-dates, all Gifts not past with all Solemnities, and specially not expedite through the Great Seal, before the making of the said Act *Jam. 6, Par. 9, cap. 1.* are excepted and declared null. *Jam. 6, par. 15, cap. 274.*

That Prelacies be free of Warrantice, except from Fact and Deed, in respect of the Annexation 1587, *Jam. 6, Par. 11, cap. 110.* See it in *Annexation.*

That Prelates, and other beneficed Persons, have relief of Taxations upon their Vassals, Pensioners and Tacksmen. *Jam. 6, par. 14, cap. 228.*

That all Ministers provided to the Title of an Bishop, Abbot, or other Prelate, have Vote in Parliament, sucklike as Prelates of old. *Jam. 6, par. 15, cap. 231.*

That two part of the Spirituality unassumed of all Prelacies vaiking, and Rents and Profits thereof, *sede vacante*, appertain to the King, and may not be Disposed by Pension, Gift, or otherways. *ibid. cap. 242.*

Act abolishing Prelacy, and all Superiority of any Office in the Church, above that of a Presbyter; rescinding the Acts *Car. 2, par. 1, sess. 2, cap. 1, sess. 3, cap. 2, Par. 3, cap. 4.* and all others, in so far as herewith inconsistent. *W. and M. Par. 1, cap. 3.*

Prerogative, *see* King, and Oath
of Allegiance.

Presbytery, *see* Kirk.

Prescription and Interruption.

Obligations prescribe, if the Party to whom they are made, follow not the same within forty Years, and take Document thereupon. *Jam. 3, par. 5, cap. 29.* Extended to bygone Obligations, elder then forty Years, and not depending in Law, the time of the making of the foresaid Act. *Jam. 3, par. 7, cap. 55.*

That

That Summonds of Error of Inquests, be pursued by the Party lesed, if Major, and within the Realm, within three Years, otherways he shall never be heard in that Action, for to reduce the said Error. *Jam. 4, Par. 5, cap. 47.* But corrected, and restricted to the Members of the Inquest, so as that they may not be made lya-ble after three Years for Error, without prejudice to the Party lesed, to pursue for reduction of Retours, to be expedie in time coming, within the space of twenty Years, for his recovery of his Rights; after which space allenarly, the said Action of Reduction, is to pre-scribe; but this Act prejudices not such as have already acquired *bona fide*, from Persons retoured before the date thereof. *Jam. 6, Par. 22, cap. 13. anno 1617.*

Actions of Spulzy, Ejections, and others of that nature prescribe, if not pursued within three Years after Committing of the Deeds, un-less the Party lesed be Minor, who is allowed three Years after his Majority. *Jam. 6, Par. 6, cap. 81.* Ratified, *Jam. 6, par. 7, cap. 119.*

Actions of Removing, prescribe in like manner, if not pursued with-in three Years after the Warning. *Jam. 6, par. 6, cap. 82.* But without any exception as to Minors.

All Actions of Debt for House-mails, Mens Ordinars, Servants Fees, Merchants Compts, and others the like Debts, not founded on Writ, prescribe, if not pursued within three Years, unless the Pur-suer offer to prove his Claim by Writ or Oath of Party. *ibid. cap. 83.*

No necessity to produce Procuratories, Infeftments of Resignation, Precepts of *clare constat*, or any other Precept of Seasin, nor shall the want thereof be any cause of Reduction, after forty Years Possession by the Party, and his Authors, by vertue of their Infeft-ments, and where the Charter making mention of the Resignation to have been made, and the Instrument of Seasin mentioning the Precepts, are extant. *Jam. 6, par. 14, cap. 214.*

Where a Charter and Seasin, or where there is no Charter, In-feftments of Seasin, one or more, continued and standing on Retours, or Precepts of *clare constat* are produced, and the Party and his Au-thors, by themselves, or others, having their Right by vertue there-of, in forty Years peaceable and uninterrupted Possession of the Lands, and other Heretages therein contained; the same are decla-red to be good and unquestionable Rights, upon any ground what-soever, except Falshood: That all Actions upon Bonds, or any o-ther ground whatsoever, be pursued within forty Years after the date thereof, unless the ground of the Action be a Reversion, in the Body of the Defender's Right, or duely Registrate; in which case the Action is declared to be perpetual: Actions of Warrandice pre-scribe not from the date of the Obligation, but from the date of the Distress; but the Years of the Minority of the Party, against whom Prescription is objected, are not counted to make up the forty Years course thereof, and thirteen Years allowed to such, against whom forty Years prescription was run, before the making of this Act: In which space, they may intent their Actions for Interruption; and yet they are not compellible to insist on the first Summonds, unless

there

the second Summons be also given. *Jam. 6, Par. 22, cap. 12. 18th June 1617.*

Act ratifying his Majesty's Letter, dated 12th November 1629, and Acts of Session, and Secret Council, following thereon, and Publication of the same, for Interruption of the Prescription of the thirteen Years, in favours of his Majesty, according to the preceeding Act. *Cha. 1, par. 1, cap. 12.*

That Arrestments on Decrees, as also on depending Actions, not pursued within five Years after Sentence, shall after that time Prescribe: Ministers Stipends, and Multures, not pursued within five Years after they are due, and Mails and Duties not pursued within five Years after the Tenents removing, do thereafter Prescribe, unless they be proven to be resting by Writ, or Oath of Party: All Bargains of Moveables, or Sums of Money probable by Witnesses, prescribe as to that manner of Probation, after five Years: All Actions by Warnings, Spulzies, Ejections, Arrestments, Ministers Stipends, and others foresaids, prescribe within ten Years, unless wakened every five Years; but prejudice of shorter Prescriptions of any of the said Actions appointed by former Acts, Holograph missive Letters, and Holograph Bonds, Subscriptions in Compt-Books without Witnesses, prescribe after twenty Years, unless the Verity thereof be offered to be proven by Oath of Party; but none of these Prescriptions run against Minors. *Cha. 2, Par. 2, sess. 1, cap. 9.*

That all Interruptions as to Rights of Lands by Citations, be thereafter made by Messengers personally, or at the Parties dwelling House, and at the Paroch Church, at, or after divine Service; and that all Citations for Interruption, be renewed every seven Years, or else prescribe, except the Parties be Minors. *ibid. cap. 10.* As also, that the Execution be made before Witnesses, present at the doing and subscribing of the Execution. *Cha. 2, par. 3, cap. 5.*

And these two last Acts explained thus, *viz.* As to the said Act 9, it is Statute, that the Actions mentioned therein, and intended before the same (1669) or since, shall prescribe within ~~five~~ Years, after the date of this Act 13th May 1685, if not wakened within that time; and so of Actions to be raised hereafter: And as to the said 10 Act, it is Statute, that all Citations for Interruption preceeding the same, shall prescribe within seven Years, after the date of this (1685) if not renewed within that time: And farder, that in Citations for Interruption as to Rights of Lands, and wakening thereof, Copies shall be affixed on the most patent Door of the Paroch Church. *Jam. 7, Par. 1, cap. 14, and 15.*

That the time from the 1st November 1688, to the 15th October 1689, be deduced from all short Prescriptions. *W. and M. Par. 1, sess. 2, cap. 40. See Session.*

That all Summons for Interruption, be raised on a Bill, and contain the Grounds and Warrants on which it proceeds, and that these Summons with their Executions, with all Instruments of Interruption, be Registrate as Seassins, in a particular Register, to be thereto appointed, within sixty days of the date, otherways to be of no force against singular Successors, and the Price, the half due for Registrating Hornings and Inhibitions. *Item, That all these*
Sum-

Summonds and Instrumments already raised and taken, be Registrate as above, within a Year after the date of this Act, 9th October 1696. *W. and M. par. 1, sess. 6, cap. 19. ibid.* But this Year runs not against Minors. *sess. 7, cap. 5.*

Prices.

That Barons, Provosts, and Baillies, set Prices upon Bread, Ale, and all other necessary things Wrought and Bought; and that they appoint Priervers, Examinators. *Jam. 4, par. 5, cap. 56.*

Ratified, and that they appoint Statutes in the Premisses, and punish the breakers, and if they failzy therein, that they incur the pain of an hundred *libs.* *Jam. 6, par. 7, cap. 121.*

That the King give Commission for setting Prices on Craftsmens Work, and Stuff, Victual and Salt, with power to punish the Transgressors. *Jam. 5, Par. 4, cap. 30.*

That Provosts, Baillies, and Council of Burghs, set Prices on Wine, Salt and Timber, as they arrive at any Port; and that the King, and his Lords and Gentlemen, be first served. *Jam. 5, Par. 7, cap. 100.* Ratified, and that the Prices set be Proclaimed, and none of the saids Goods sold for fourty days thereafter, that the saids Persons may be advertised. *Q. M. par. 6, cap. 57.*

Prices set on wild and tame Fowl, and that the Buyer or Seller, that breaks the same, fine all his Goods as Escheat, and his Person to be in Will; And in this Act the black Cock is but six *pennies*, and the tame Hen is eight *pennies.* *Q. M. par. 5, cap. 12.*

That reasonable Prices be set on Craftsmens Work, and all Victuals, to Burgh and Landward, by the Magistrates and Sheriffs. *ibid. cap. 23.*

That none bearing Charge or Office within Burgh, being Merchant, Home-bringer, or Portioner of Wine and Timber, be a setter of Prises on the same, during his Office; but that two Barons or Landed Men, be named at the *Michaelmas* Head-Court, in each Shire, and other two by the King and his Council, all dwelling within Burgh, or six miles thereof, and with them four chosen by the Burgh; and that these eight be only Pricers of Wine and Timber, for that Year, and so furth to be chosen from Year to Year; and if the four to be named by the Shire, and the King, be either not named, or do not concur when required, on fourty eight hours; that then the other four may by themselves, set the saids Prices. *Jam. 6, Par. 11, cap. 53.*

Prices of Bills and Letters, to be taken by the Clerks of the Signet. *Jam. 5, par. 5, cap. 61.*

Prices of Writs and Seals, to be taken by Writers, Clerks, and Keepers, first appointed by the Lords of Session, and then ordained by the Council in the Year 1606, and now ratified and appointed to be observed in time coming; and that Writers and Clerks, write on the back of all Writs given out by them, and the just Price they receive, and subscribe the same, under the pain of Deprivation. *Jam. 6, par. 23, cap. 19.*

There is also a further Regulation of the said Prices and Fees. *Cha. 2, par. 2, sess. 3, cap. 16.*

Prince.

A general and ample Ratification, in favours of *Charles*, Prince and Steward of *Scotland*; excepting therefra, the Assignation made to the Castle of *Dumbarton*, until some other Provision be made in lieu thereof. *Jam. 6, Par. 23, cap. 4.*

Principality.

That the free Tenents of the Principality, give suit and presence in Parliaments, and Justice-Airs, when there is no Prince. *Jam. 4, Par. 2, cap. 16. See it in Parliament.*

Printer.

That no Printer, Print any thing without Licence, under the pain of Confiscation and Banishment. *Q. M. Par. 5, cap. 27.*

Priory.

That all Feuers or Vassals of Priors or Prioreffes, or Friars, or Nuns Places, after the decay of their said Superiors, hold of the King, as they held of them. *Jam. 6, Par. 2, cap. 38.*

Prison-House, Prisoners, and Imprisonment.

That sufficient Prison-Houses be built within three Years in all Burghs, by the Magistrates and Council thereof, on their Common-Good, or otherways on the Charges of the Burgh, for keeping their own, and all other Prisoners, that shall be presented to them; but the Prisoners to be kept on their own Expence. *Jam. 6, par. 15, cap. 273.*

The Oversight of the Condition of Prison-Houses, recommended to the Justice of Peace in their Instructions. *Cha. 2, par. 1, sess. 1, cap. 38. See it in Justice of Peace.*

If any Prisoner for a civil Debt or Cause, make Faith before the Magistrate, that he is not able to Aliment himself, the same is to be intimate to those that detain him, that they may provide or give surety for an Aliment to him, not under three *shil.* per diem, or consent to his Liberty; which if refused, the Prisoner may be liberate within ten days without hazard: But this Act extends not to Criminal Prisoners. *W. Par. 1, sess. 6, cap. 32.*

That no Person be Imprisoned for Custody in order to Tryal, for any Crime or Offence, without a Warrant in Writ, expressing the particular Cause, and whereof the Executor or Keeper of the Prison, are to give immediately a double under his hand to the Prisoner; and all the saids Warrants, either proceeding on Informations not subscribed, or not expressing as above, are declared void: And the

the Subscriber of the said Warrants, and the Executor or Keeper of the Prison, detaining the Person, so wrongously ordered to be Imprisoned, or refusing a double as said is, to be lyable in the pain of wrongous Imprisonment, after set down. *Item*, All Crimes not inferring Capital Punishment, are declaredailable; in which Case the Person concerned, may apply to the Committer, or Lords of Justiciary, or other Judge competent to the Tryal, and offer Caution to Answer for the Crime, Charged at any time within six Months, under such a Penalty as shall be modified, whereupon the Committer or Judge shall Cognosce, if the Crime be Capital or not, and ifailable, then he is to modify the Penalty within twenty four Hours, the same not exceeding six thousand *merks* the Nobleman, three thousand *merks* the Landed Gentleman, a thousand *merks* any other Gentleman or Burgeess, three hundred *merks* any other inferior Person, under the pain of wrongous Imprisonment, and on the offer of sufficient Bail, under the said Penalty to the Committer or Judge, and to the Clerk, and Instruments thereon, he is to be liberate or discharged, under the pain of wrongous Imprisonment. *Item*, All Persons Imprisoned in order to Tryal, may apply to the Judge Competent, and upon production of the Warrant of his Imprisonment, the Judge is ordained, under the pain of wrongous Imprisonment, to give out within twenty four Hours, his Precept direct to Messengers, for intimating to his Majesty's Advocate, or Procurator Fiscal, or Party concerned, if within the Kingdom, to fix a dyet for the Tryal within sixty Days, certifying them, that otherways the Prisoner shall be liberate without delay, which the said Judge is also bound to do, under the Penalty foresaid, unless the delay be upon the Prisoners desire; and the dyet prefixt, the Prisoner is to be delivered to be sifted before the Judge competent, where the Process is to be insisted in, and finally determined by the Lords of Justiciary within forty Days, and by any other Judge within thirty, or otherways the Dyet shall be *simpliciter* deserted, and the Prisoner liberate; and if no Process be raised and Execute, or not insisted in, and concluded within the said respective Times, the Prisoner on his Application, and Instruments taken, is to be set at liberty, by Precepts to be direct by any of the Lords of Justiciary, or other Judge competent, within twenty four Hours for that effect, under the pain of wrongous Imprisonment: Likeas, under the same pain, it shall not be lawful to put or detain him in Prison for the same Crime, except upon new Letters raised before the Justiciary; in which case he may be secured, either at the Executing of the Letters, or any time thereafter before Tryal; and this new Libel is to be prosecute and concluded within forty Days; or otherways, not only the Dyet is to be deserted, and the Prisoner liberate, but he is never more to be questioned for that Crime. But in the Case of Imprisonment for Treason, forty Days are allowed to prepare the Process, before the Prisoner can apply to have a Dyet fixed, after which the Lords of Council, or of Justiciary, are required upon Application, to issue out Precepts as in other Cases; and in case of not Insisting or Prosecuting, the Prisoner is to be liberate on Bail, to compear any time within a Twelve-Month, and for the

Beha-

vidour in the mean time, the Bail not exceeding the double in other Crimes: But this Act concerns not Imprisonment for Debts, or on Sentences, nor is it to be extended to Coaliers or Salters, nor doth it derogate from the Laws: For Bail to be given by Chiftains, and Landlords in the Highlands, and Commitments for, and Prosecution of Thefts, Robberies, and Depredations there, or in the Borders, are reserved as formerly; and without prejudice to inferior Magistrates or Justices of Peace, to take security for the Behaviour and Peace as formerly; or to Imprison in order to Tryal, for Indignities done to themselves, or for Disobedience to Church Censures, or to Imprison Vagabounds, or for Riots, or being found in Tumults, or for Drunkenness, Sabbath-breaking, Swearing, Uncleaness, Pickeries and Theiving; the Persons having relief by finding Bail, and demanding a Tryal as above. *Item*, In case of imminent and actual Invasion, Rebellion, or Insurrection, the Council, or any five of them, may Commit; the Person Committed having his relief as above. *Item*, The pain of wrongous Imprisonment six thousand *libs* a Nobleman, four thousand *libs* a Landed Gentleman, two thousand *libs*, any other Gentleman or Burges, and four hundred *libs* any other Person; and in case of wrongous Detention in Prison, the Detainer to pay for each Day, for a Nobleman a hundred *libs*, for each Landed Gentleman a hundred *merks*, for each other Person or Burges fifty *merks*, and for any other Person ten *merks*, besides loss of Office and Incapacity; and the pain may be pursued for by the Party, before the Council, or summarily before the Session; and the said Penalties are not to be modified by any Authority; And this Act extended to the Case of Confinements, if not consented to, or inflicted by Sentence; and all close Imprisonment discharged beyond eight Days, under the pain of wrongous Imprisonment. *Item*, That no Person be transported furth of the Kingdom, except with consent given before a Judge, or by legal Sentence, under the pain to all Contraveeners, of wrongous Imprisonment, Deprivation and Incapacity; but the Action of wrongous Imprisonment, prescribes, if not pursued in three Years, and if raised must be insisted in Yearly. *Item*, No Member of Parliament attending, can be Imprisoned, or Confined, without a Warrant of Parliament, but prejudice to the high Constable and Marshal, their Privilege and Jurisdiction, in time of Parliament; but if any Member commit a capital Crime, or there be hazard of the Peace, any Member may Attach, and deliver to the high Constable for the Parliaments Cognition the next *Sederunt*. *W. Par. 1, sess. 9, cap. 6.*

Probation.

An Exception, being admitted to Probation, the Lords should declare how much of it is to be proven by Writ, and the Writ should be produced *in termino*, or Diligence for it, otherways that the Term be circumduced; and if the Writ be produced, the other Party may object against it. *Q. M. Par. 7, cap. 63. See Prescription, as to the several manners of Probation by Witnesses, Writ, or Oath.*

Process.

Process.

The Form of Process in Spiritual Courts, to wit, that after peremptory Citation of the Clergy-man, shewing the Cause, and under the pain of Excommunication, *Litiscontestation* be made; and if the thing be confessed, that the Defender be Charged to pay within fifteen days under the said pain; but if denied, that a day be assigned to the Pursuer to produce all his Proofs peremptorly, and that this day being come, another day be assigned to the Defender, to produce all his Exceptions peremptorly, and then a day assigned for Sentence, so as Process be ended within forty Days; and that the Judge not observing the same, be condemned by his Ordinary to satisfy the Complainer. *Jam. 1, Par. 6, cap. 67.*

That for facility of Process, the same be given to the Pursuer on his Expences, paying four pennies for each Act thereof allenarly. *Jam. 4, Par. 6, cap. 67.*

That no Process be granted before inferior Judges on the first Summons, but upon libelled Precepts, and Citation of fifteen days, conform to the Act of Parliament, *Jam. 6, Par. 23, cap. 19.* The Act is, *Ratification of the Act of Council, anent the Prices of Writs, Seals, &c.*

Act for Regulation of Process before the Lords of Session. *Cha. 2, Par. 2, sess. 3, cap. 16.*

That in all Actions before the Lords of Session, or other Judges, where by the Act, the Pursuer is to prove by the Defenders Oath, and the Defender to prove nothing; the Pursuer when required after the Term, and before Circumducing, furnish the Defender with the Act within forty eight Hours, otherways the Defender to be dismissed. *Item,* That where Defenders depone *negative* in Exhibitions, or *affirmative*, or *negative* in Furthcomings, the Clerks and Macers Dues be payed by the Pursuer, otherways the Defender shall not be holden to Depone. *Jam. 7, Par. 1, sess. 2, cap. 10.*

That for dispatch, the Lords of Session advise summarly all Depositions of Parties, marked by the Examiner, to be clearly *affirmative* or *negative*; and that there be a Lord nominate Weekly, for stating of concluded Causes in the order of the Roll, after hearing of Parties, and making Report; which Report is to ly patent a Week in the Clerks hands, to be Advised on the *Saturdays*, and the Afternoons of other Days, till the Roll be brought up. *W. and M. par. 1, sess. 4, cap. 17.*

That the Minutes in order to the Reporting, be made by the Clerk, at the sight of the Procurators for the Parties, who are allowed to make their Allegiances as they think fit, and are to subscribe the same with the Lord Reporter; and the Advocate required by the Lord Reporter, and not concurring, is to be debarred the House for a Month, and the Reporter is to proceed without him, and the Act or Decreet following, shall be holden as done in fore. *W. and M. par. 1, sess. 4, cap. 20.*

Procuratories of Resignation.

That Procuratories of Resignation, and Precepts of Seisin, either granted, or to be granted, continue in full force, after the death of the Granter. and als after the death of the Person to whom granted, in favours of his Heir or Assigney, providing in either Cases, that the Instrumants taken thereon, express the Receivers Title, under the pain of Nullity, excepting from this Act, Precepts of *clare con-*
stat. W. and M. par. 1, sess. 4, cap. 35.

Production of Writs.

That all Persons may be Charged in general or special, under the pain of Rebellion, to produce before Commissioners to be appointed by his Majesty, all Rentals of whatsoever Benefices, or Hospitals, or things pertaining thereto, with all Infeftments, Tacks, or other Rights made to them of any Kirk-Lands, Temple-Lands, Teinds, or other Kirk-Rents, that they may be inspected, and to deliver authentick Copies thereof. *Jam. 6, Par. 12, cap. 131.*

That all Feuers of the Temporality, produce their Infeftments and Titles, betwixt and the first of *January 1598*, under the pain of Nullity. *Jam. 6, Par. 15, cap. 245.*

Profaneness.

Act against Profaneness, ratifying the Acts *Jam. 6, par. 22, cap. 20.* Against Drunkenness, *Cha. 2, Par. 1, sess. 1, cap. 18.* For the due observation of the Sabbath. *ibid. cap. 19.* Against Swearing and excessive Drinking. *ibid. cap. 38.* Ordering who shall Execute the same in every Paroch, and how the Fines shall be Collected and Applied. *Cha. 2, Par. 2, sess. 3, cap. 22.* See *The Heads here mentioned.*

Act ratifying all Acts against Profaneness, and particularly this Act above. *W. and M. Par. 1, sess. 2, cap. 25.*

Act ratifying all former Acts against Profaneness; and empowering Presbyteries to appoint Informers and Prosecutors, in their respective Bounds. *sess. 4, cap. 40.*

All Judges, Magistrates, and Justices of Peace, enjoined to put the Laws against Profaneness to Execution at all times, without the necessity of a Dispensation; and that against Officers, Souldiers, and all Persons, under the pain in case of failzy upon requisition, of *100 lib. toties quoties*, to the Poor of the Paroch, for which they are to be pursued before the Lords of Session by summar Process. *W. and M. Par. 1, sess. 5, cap. 13.*

Act ratifying all former Acts against Profaneness, and how Baillies are to be appointed for every Paroch, with power to Fine instantly, Imprison for pious Uses, and Advocations discharged: As also Suspensions, save on Consignation or Discharges; and in case of calumnious Suspension, a third more to be decerned; and who can-

not pay, to be punished in his Person; with a further Recommendation to the Council. *sess. 6, cap. 31.*

Act ratifying all the former Acts; and in case any Person be Excommunicate, or declared Contumacious by the Church, on the account of Immorality, the Council on Application by a Presbytry, Synod, or Assembly, are to represent the said Person to his Majesty as unfit to be Employed, or continued in any publick Trust, Civil, or Military. *sess. 9, cap. 11. ibid.*

Protection.

That breakers of the King's Protection, being Summoned on fourty Days, the breaking shall be put to the knowledge of an Assize, whether the Breaker compear or not, and if found Guilty, he shall be unlauded in ten *libs*, and Assize the Party. *Jam. 1, Par. 11, cap. 134.*

That the Lords of Session grant no Protections from legal Execution; declaring that the Granter shall be lyable to the Creditor for the Sum. *Jam. 6, Par. 23, cap. 13.*

Act ratifying all former Acts against Protections, and discharging the Lords of Privy Council, Session, and Exchequer, to grant any, from personal Execution; certifying, that the Granters shall be lyable for the Debt, and that the same shall not stop Execution; yet the saids Lords, as also, the Justice-General, and his Deputes, may Suspend personal Execution for a few days, against Persons appointed to appear Personally before them. *Cha. 2, par. 1, sess. 3, cap. 4.* The same again Statute, and that such as are accessory to the granting may be known, all Protections, Superfederies, and Licences, are ordained to be signed, and the Subscribers are declared lyable for the Debt as Cautioners, and Protections are ordained to be Recorded, and that the Extract make Faith; and the foresaid liberty of suspending Execution, is limited to a Month; and the Party citing any Person that needs a Protection, must first make Faith, that he is a material Witness; and also the Protection must bear the Cause: And Protections granted contrary to this Law, do not only not hinder personal Execution; but if any Magistrate or Messenger, do therefore refuse to concur, he is declared lyable for the Debt; as also, the Lyon, in case he refuse to Depose the Messenger refusing to concur as said is. *Cha. 2, par. 3, cap. 9.*

That no Protection be granted for hereafter in Parliament, but upon citation of Creditors on fifteen days, and that their Names and Designations be set down in the Protections; and that Protections in Parliament bear to be granted by the King, with Advice and Consent of the Estates, otherways to be void and null; but prejudice to the Creditor of giving Protections, reserved by the Act. *Cha. 2, Par. 3, cap. 9. W. Par. 1, sess. 7, cap. 22.*

Publick Accompts, *see* Accompts.

Publick Debts.

Debts to be reckoned publick Debts, such as shall be instructed to be

be so, since the 27th May 1689, and these are ordered to be payed out of the Equivalent of three hundred ninety eight thousand eighty five *libs*, ten *shill. sterl.* and out of the increase of the Customs, Duties and Excise, which shall arise during the time of the seven Years after the Union, and according to the Treaty thereof; and that in the order and method contained in the Act. *2. A. Par. 1, sess. 4, cap. 16. anno 1707. See the Act.*

Purpersion.

No Vassal under a Baron, hath power to hold Courts, or cognosce on Purpersion. *Jam. 3, Par. 10, cap. 80.*

Who Labours, Incloses, or Appropriates any part of his Majesty's common Muirs, or Commonities, commits Purpersion, and should be punished according to the old Law, and consuetude. *Jam. 6, Par. 16, cap. 8.*

Q.

Quartering, *see Forces.*

ALL free Quartering of Souldiers, transient or local, discharged. *Cha. 2, Par. 3, cap. 3.* The Act is, *For a voluntary Offer of a new Supply to the King's Majesty.*

Act regulating the Quartering of Souldiers in time of Peace; *See the Act*, it is very full and particular. *W. Par. 1, sess. 7, cap. 9.*

That Quartering for Deficiency cease, so soon as the Person quartered upon produces the Collector's discharge; but *see the Rule of Quartering for Deficiency in the Act. Cha. 2, Par. 8, cap. 3.* And the other Acts of Supply, in Supply. *W. Par. 1, sess. 7, cap. 10.*

Queen.

That the Prelates and Barons, make the like Oath to the Queen, (the Oath is not specified, but it seems to be the like Oath that they make to the King.) *Jam. 1, Par. 8, cap. 109.*

All the Lords of Parliament, both Ecclesiasticks, and Seculars, and the Commissioners of Burghs, promise Letters of Fidelity to the Queen. *Jam. 1, par. 12, cap. 136.*

The third of the King's Rents of Assise, that is of Lands and Customs, should be assigned to the Queen, for her Dowry and Terce allenary, and no further. *Jam. 3, par. 1, cap. 2.*

Confirmation of Queen Anne's Contract of Marriage, whereby the Earldom of Fife, Lordship of Linlithgow, and third of the Property of the Crown, were appointed to her in Joynture during her life, beside her Morning Gift from the King, of the Abbacy of *Dunfermling*: And the Queen with Advice of the King, chooses a Council for the Administration of her Affairs, which Nomination is also ratified. *Jam. 6, Par. 13, cap. 191.*

Ratifi-

Ratification of Queen *Anne's* Infestment, of the Lordship of *Dumfermling* to her, and the Heirs of her Body, betwixt her and the King; which failzying, to King *James*, his Heirs and Successors, Succeeding to the Crown of *Scotland*: As also, of all Deeds made and granted, or to be made and granted by her, with Advice of her Husband and Council, of the said Lordship, or any part thereof, in manner set down in the Act. *Jam. 6, par. 21, cap. 10.*

Ratification of a Supplement of Four made by Queen *Anne* of her Council, in place of so many of the former Nomination deceased, and conform to, and in the terms of the said Act. *Jam. 6, par. 22, cap. 11.*

Queen, Queen Anne, see King.

Quots of Testaments.

That no Quots of Testaments, Confirmed since the sixteenth of *November 1641*, or to be Confirmed in time coming, be exacted. *Cha. 2, Par. 1, sess. 1, cap. 28.* But this Act repeled in favours of Bishops. *ibid. sess. 2, cap. 1.*

That the Quot be only payed for the free Gear in Testaments, and that for Instructing, Creditors may be called, and also their, and the Executors Oath taken, as to the reality of the Debt: That Executors Creditors pay no Quot, in so far as effeirs to their Debt; and siclike of Relicts Confirming for their Provisions, in so far as extends to five Years Purchase of the Liferents Confirmed for: That poor People not worth fourty *libs*, their Confirmations be free of Quot; and for Fees of Court, that they pay only two *libs* eighteen *shillings*: That heretable Debts, where there is an heretable Estate, default not off the Inventar in Diminution of the Quot: That there be no Divisions in Testaments in favours of the Relict, where she is Excluded, or in so far as she is Excluded; and that this Exclusion be probable by her Oath; and that Commissar, Clerk, Fiscal, or other Member of Court, contraveening this Act, be deprived without Re-admission. *Cha. 2, Par. 2, sess. 1, cap. 19.* See Testaments.

But the Act *Cha. 2, Par. 1, cap. 28.* Discharging Quots of Testaments revived; and all Quots, or Bonds for Quots, discharged since the Abolition of Prelacy in the Year 1689; but prejudice of Commissars, their Clerks, and Fiscals, their Compting for bygone Receipts. *W. Par. 1, sess. 9, cap. 14.*

R.

Ratification.

Ratifications in Parliament are to be understood, *Salvo Jure Curie* *justilibet*. *Jam. 6, Par. 12, cap. 130, and Par. 14, cap. 215.* And that whether the same be General or Special. *Par. 18, cap. 20, and Par. 19, cap. 9.* See Parliament.

An Abridgement of the Ravishing.

That Ravishers of Women be put under Soveryty, as in the Crimes of Slaughter and Mutilation. *Jam. 5, Par. 7, cap. 118.*

The subsequent Consent or Declaration of the Party Ravished, that she went along of her own free Will, albeit it may excecme from capital Punishment; yet if at the instance of the Woman's Kinstolk, or his Majesty's Advocate, it be found by an Assize, that the Deed was at first violently done, it doth not free such as are Guilty, from the Arbitral Punishment of Confiscation, Warding, or Fining. *Jam. 6, par. 21, cap. 4.*

Rebel, and Reset of Rebels Criminal, see Sheriff, and Treason.

That none Rebel openly against the King's Person, under the pain of Forefaulture. *Jam. 1, Par. 1, cap. 3.* And if any refuse to enforce the King against such Rebels, they shall be challenged as favourers of them. *ibid. cap. 4. See Treason.*

That none Reset, or do Favour to manifest Rebels, against the King and Common-Law, under the pain of Forefaulture. *Jam. 1, par. 2, cap. 37.*

That where Rebels are Reset within Castles, or where there is Presumption violent of Rebellion, the Lieutenant raise the Country, and pass to such Houses and Arrest the Persons, and cause them find Soveryty. *Jam. 2, Par. 2, cap. 3.*

That none Rebel against the King's Person or Authority, and who so Rebels, to be punished, after the Quantity and Quality of their Rebellion, by the Advice of the three Estates; and if any openly Rebel against the King, or make War against the Leidges, against his forbidding, that the King gang upon them, with the Assistance of the whole Land, to punish them. *Jam. 2, Par. 6, cap. 13.*

And who assists in Red, Comfort, Counsel, or Maintenance, such as shall be Justified for the saids Crimes, fra the saids Crimes be notorious, on the Trespassor Convict, that he be punished as the Principal. *ibid. cap. 14.* *This Act in the old Copy, is a part of the former, and it is evident, that the Title prefixed to it in Skeen's Copy, viz. Of them who seeks Revenge for Trespassors Justified, is foreign and improper, and hath been prefixed by a Mistake.*

That the Sheriffs, Baillies, and others, do all Diligence to apprehend all Rebels at the Horn, for Crimes Capital; and that no Man wittingly Resett, Mantain, Supply, Defend, or do them Favour, under the pain of Death, and Escheat of Moveables. *Jam. 5, Par. 7, cap. 97.*

Persons denounced Rebels, should be repelled *ab agendo.* *Jam. 6, par. 6, cap. 75.*

All Acts against the Reset of Traitors and Rebels, ratified; and ~~that none~~ Supply or Intercommune with them, or give them any Relief.

Relief or Comfort, but that all do their uttermost to Apprehend or Expel them, under the pains due to Rebels. *Jam. 6, par. 12, cap. 144.*

Fraudful Dispositions, or simulate Gifts of Escheat, exclude not the Thesaurer from Intrometting with the Escheats of Rebels for odious Crimes, the Goods being still in the Possession of the Rebel, his Wife, Bairns, or Friends, on the Ground, or in the House possessed by him before he was Rebel; or in the House where he hath since been Reser, and the Thesaurer should cause detain and keep their Houses on the readiest of the Escheat Goods. *ibid. cap. 145.* See *Escheat and Treason.*

Ratification of the Acts *Jam. 6, par. 12, cap. 124.* for Apprehending, and against the Reser of Rebels: with a most strict Proclamation of Council thereon founded for that effect, dated 8th July 1682. *Jam. 7, par. 1, cap. 25.* But this Act rescinded. *W. and M. Par. 1, sess. 2, cap. 28.*

Red-Fish, *see* Salmond.

Redemption, *see* Reversion.

Decrets of Redemption upon lawful Premonition, and Citation of the lawful Contradictor, and who was also Summoned for Production and Improbation, of all Writs that might prejudice the Reversion, and produced none but for Obedience, hath Renounced the Lands and others in the Decreet, cannot be again quarelled at the instance of any Person in any sort. *Jam. 6, Par. 12, cap. 134.*

That Annualrents redeemable, may be Redeemed by payment of the Principal and bygone Annual at ten *per cent*, albeit the Security was given for greater Annual. *ibid. cap. 135.* See it in *Annualrents.*

Reell.

That the length thereof be ten Quarters at the least. *Cha. 2, Par. 1, sess. 1, cap. 43.* The Act is, *Act discharging the Exportation of Linnen Tarn*, See it in *Linnen Tarn.*

Regalities, and Baillies thereof,
see Sheriff.

That Regalities in the King's Hand, while in his Hand, be holden as Royalty, and Justified by the Justice; and that the Free-holders thereof compear at Justice-Airs, and pay Suits within the Shire, and to Parliament, as Free-holders of the Royalty. *Jam. 2, par. 6, cap. 25.*

That all Regalities now in the King's Hand, be Annexed to the Royalty; and that no Regalities be granted in time coming, without deliverance of the Parliament. *Jam. 2, Par. 11, cap. 43.* That

That the Privilege of Regals be observed, but not abused against the King's Law. *Jam. 2, par. 14, cap. 72.*

The Officiar of the Regality being negligent in Executing the Acts against Rebels for Capital Crimes, the Sheriff may do the same within the Regality. *Jam. 5, Par. 7, cap. 97.*

As in the Royalty, the Fines of the Act of Apparel, *Jam. 6, Par. 7, cap. 113.* are divided betwixt the King and the Sheriff, so in Regalities, the one half is appointed to the Lord of Regality, and the other half to the Bailly. *ibid.*

That where the Justice-General, or King's Justice in that part, by Commission Summons any Offender dwelling within Regality, the Bailly of the Regality may Repledge, if he have prevented by Citation, otherways not, but only he may be Adjoined: No Bailly or Steward of Regality may Repledge from the Justice-Air, but only be Adjoined to the King's Justice, without prejudice in both Cases to their Share of the Penalties and Unlaws. *Jam. 6, Par. 11, cap. 29.* The Act is, *Annexation of the Temporalities of the Benefices to the Crown.*

Ratification of all Liberties and Privileges granted to Burghs Regal. *Jam. 6, Par. 18, cap. 16.*

All Regalities pertaining to any Benefice whatsoever, except Arch-Bishopricks, declared to pertain to the King and his Successors for ever. *Cha. 1, Par. 1, cap. 13.*

The Office and Duty of Baillies of Regality briefly reckoned. *Cha. 2, par. 1, sess. 3, cap. 15.* The Act is, *For inbringing of his Majesty's Rents*; it is only done *obiter.*

Magistrates of Burghs of Regality, may Arrest none for Debt, except their own Burgessees. *Cha. 2, Par. 2, sess. 3, cap. 8.*

The Liberties of Burghs of Regality as to Trade; See in *Burghs.*

Regent of the Realm.

Ratification of the Dimission and Renunciation of Queen Mary, in favours of her Son King James the sixth; as also, of her Nomination of James Earl of Murray to be Regent to him, his Realm and Leidges, ay and while he be of the Age of seventeen Years compleat. *Jam. 6, Par. 1, cap. 1.*

Ratification of the Nomination and Acceptation, of the Earl of Marr to be Regent, during the said space. *Jam. 6, par. 2, cap. 34.*

Ratification of the Nomination and Acceptation of the Earl of Mortoun to be Regent, during the King's Minority and less Age. *Jam. 6, par. 3, cap. 44.*

Register, and Registration, see Writs.

That the King's Register and Rolls be put in Books. *Jam. 3, Par. 3, cap. 40.* And that the Exchequer Rolls be altered and made in Books of Parchment. *Cha. 2, par. 2, sess. 3, cap. 16.* Concerning the Exchequer.

That

That the Clerk of Register cause Print the Acts of Parliament. *Jam. 5, par. 7, cap. 127. See it in Parliament.*

That Horning, Inhibitions and Interdictions, with their Executions, be Registrare, and where, and in what manner. *See under these several Heads.*

That all Reversions, Regresses, Bonds, and Writs for making the same, Assignations thereto, Discharges thereof, Renunciations of Wadsets, Grants of Redemption, and all Instruments of Seisin, be Registrare in the General Register, to be appointed by the Clerk-Register at *Edinburgh*; or in the particular Register, specified in the Act, within threescore Days after the date of the same: But Bonds and Writs for making Reversions, and Regresses, need not be Registrare, except within sixty Days, after Seisin taken by the Makers thereof; and Extracts out of the saids Registers, are declared to make Faith in all Cases, except in the Case of Improbation; and any of the said Writs not Registrare, as said is, are decerned to be null, in prejudice of a third Party, but not against the Maker thereof, and his Heirs; but Seisins and Reversions therein contained, given by Magistrates of Burghs, of Lands within their Liberties, holden in free Burgage, and all other heretable Rights thereof, with Reversions incorporate in the Infeftments of the Parties, against whom they are used, are excepted from this Act: As also, Renunciations, or Grants of Redemption, consigned in Process, are only to be Registrare within sixty Days, after the date of the Decrees, ordaining them to be given up; and this Registration of Writs, is annexed to the Clerk-Register's Office, and is to be made by him and his Deputes, within forty eight Hours after the receipt of the Writs, under the pain of Deprivation of the Clerk, of his Place and Office of Notary; and that they deliver back the Writs, marked with the Day, Month, Year, and Leaf of the Registration; and take only twenty six *shillings* eight *pennies*, as the Price of ilk Leaf: and the saids Registers to be marked by the Clerk-Register, or his Deputes, with a Note of the Number of Leafs; and that when filled up, they be returned to the Clerk-Register to be Patent, and Extracts thereof given. *Jam. 6, Par. 22, cap. 16. anno 1617.*

That Instruments of Resignation *ad remanentiam*, be Registrare hereafter, within sixty Days after the Date, otherways they are null; but Instruments of Resignation of Burgage Lands, being Registrare in the Books of the Burgh, fall not within the said Certification. *Cha. 2, par. 2, sess. 1, cap. 3. 16th November 1669.*

The Act 1617, extended to all Lands within Burghs, and their Liberties, and to all the foresaid Writs concerning the same, notwithstanding the Exceptions above specified: And that Town Clerks keep a several Book for their Registration, depending only on the Magistrates, and not the Clerk-Register, with a Minute Book, to be by them Quarterly compared, and signed, conform to the Act. *Cha. 2, Par. 2, sess. 3, cap. 16. The Act is, Anent the Regulation of the Judicatories, and containing also, The Prices of Resignations, and Cha. 2, Par. 3, cap. 11.*

That Charters passing at the Great Seal, after the Appending of the Seal, be delivered back by the Keeper to the Director, that he may

may Registrate the same; and that all Writs already past the Great Seal, may within a Year from the Date of this Act, be returned to the Director, who shall Registrate the same gratis. *Jam. 6, Par. 23, cap. 24. anno 1621.*

That all Charters and other Writs hereafter, passing the Great and Privy Seals, be first Registrate by the Writers thereto, in the Registers thereof, and the Writing and Registration attested on the back, and that they keep a perfect Minute-Book of the same; and that no Keeper append the Seal to any Writ not Attested, to be Registrate. *Cha. 2, Par. 2, sess. 3, cap. 7.*

Act appointing how the Registers of Hornings, Inhibitions, Interdictions, Seafins, Reversions, and others, with their Minute-Books, should be kept. *Cha. 2, Par. 2, sess. 3, cap. 16.* Where the Prices for Inspection are set down: The Act is, *Anent the Regulation of the Judicatories.*

That all Clerks who keep Registers, in use to be delivered to the Clerk-Register, to be kept in the General Register-House, do only keep ten Years Records in their Hands, for the Use of the Leidges, under the pain of being punished, as the Lords of Session shall see cause. *Jam. 7, par. 1, cap. 33.*

That there be only three Offices of ordinary Clerks of Session, and no more than two Persons in each Office, who are to have the sole Right to be Clerks to all Processes, Registrations, and Extractings before the Session. *Item,* That they appoint Deputes in each Office, for receiving in Writs to be Registrate, who are to find Caution for the Registrating, and safe preserving thereof; and Writs so given in, are to be Registrate in Books apart, within a Year, and may be taken up within six Months of the ingiving, but not after Booking, and two Minute-Books, one for ingiving, the other for outgiving, are to be kept; and these Registers given in to the General Register-House, See the Act. *Item,* That Warrants be kept in a secure Room, distinct from the Registers; and that the Clerk-Register visit the Registers in every Chamber, once a Year. *Item,* That no Clerk of inferiour Courts, Registrate for Conservation, or where Execution is to pass without the Jurisdiction, under pain of Deprivation, and five hundred merks of Penalty, half to the King, half to the Party pursuer. *Item,* The Clerk-Register's Fee augmented from a merk to twenty shilling. *Jam. 7, par. 1, cap. 38.*

That where a Writ to be Registrate, bears on the back, that it was presented and Registrate, it be a sufficient Security, albeit it be not found in the Register. but that Keepers of Registers omitting or negligent, be punished as Forgers of publick Registers, and lyable in the Parties Dammage. *Jam. 7, Par. 1, sess. 2, cap. 19.* But the first part of this Act rescinded, and declared, that no Seafin, or other Writ, to be Registrate, be of force against any save the Granter, unless it be duely Booked, and insert in the Register, but the rest of the Act ratified, and the Heirs of negligent Keepers made lyable for Dammages, tho no Action raised in the Keepers lifetime. *W. Par. 1, sess. 6, cap. 18.*

That

That all the Keepers of the Registers of Seafins, Reversions, Hornings, Inhibitions, Interdictions, and allowances of Appryfings, or Adjudications, keep Minute-Books, expreffing the Day and Hour, with the Name and Designation of the Prefenter, and that it be figned by the Prefenter and Keeper, and Patent to all *gratis*; and that the Writs be Regiftrate in that Order, under the pain of Deprivation of the Keeper, and of his being lyable to the Parties Damages. *W. and M. Par. 1, feff. 4, cap. 14.*

Writs regiftrable, may be Regiftrate after the death of the Creditor, at the instance of his Heir or Executor, producing a Service or Confirmation, as the Nature of the Writ is, or of his Affigney, producing a fpecial Affignation; and that as effectually as if the Creditor were on life. *W. and M. Par. 1, feff. 4, cap. 15.* And fo they may be alfo Regiftrate, after the death of the Granter. *feff. 6, cap. 39.*

Charters granted by fubaltern Superiors, may bear a Clause of Regiftration; but only to be Regiftrate in the Books of Seffion. *W. and M. Par. 1, feff. 4, cap. 35.*

Regratours, *see* Foreftallers.

Relaxation, *see* Horning.

A Man flayer Denounced, and thereafter Relaxed, if he be there after Denounced for the fame caufe, the former Relaxation avails not, but his Rebellion runs, and is reckoned from the firft Denunciation. *2. M. par. 6, cap. 31.* The Act feems alfo to intimate, that albeit a Perfon be Denounced, yet if he thereafter compear, and be acquit, his former Rebellion prejudices him not. How, and where Relaxations are to be made and Regiftrate. *Jam. 6, Par. 6, cap. 75.* The Act is, *For punifhment of Perfons that contemnantly remains Rebels, &c.* See it in *Hornings.*

Relief.

That no Reliefs be componed, but the true avail thereof compted for, and payed in Exchequer; that on the fflight of the Refponde-Book, Letters be direct to Charge and Poind, either the Party, or the Sheriff, or both; but the Sheriffs Discharges Exoners the Party. *Jam. 6, Par. 11, cap. 74.*

Religion.

That none bear Office removeable in Judgement within this Realm, or be Procurator, or Notar, or Member of Court; but fuch as profefs the Religion now Eftablifhed, excepting therefra, fuch as have Offices Heretable, or in Liferent. *Jam. 6, Par. 1, cap. 9. anno 1567.* Extended to all Offices, without Exception or Reftri-ction. *Jam. 6, Par. 20, cap. 5.* The Act is, *Act againft Jefuites, &c.*

An Act made by Queen Mary 19th April 1567, granting Impunity to all the Professors of Religion then received; abrogating all Laws against them, and taking them into her Protection, Recorded. *Jam. 6, Par. 1, cap. 31.*

That none be reputed Loyal Subjects, but be punishable as Rebels against the King, that Professes not the true Religion; and if any such Professors make Defection from the King's Authority, that they be admonished by the Ministers to return to Duty, and if they fail, that they be Excommunicate, and that before they be received to his Majesty's Mercy, they renew their Profession, and promise to maintain his Majesty's Authority, as also the true Religion against all Enemies, specially these called of the Holy League, bound to Execute the Decrees of *Trent. Jam. 6, Par. 3, cap. 47.* The Act is, *Adversaries of the true Religion, &c.*

That Persons going out of the Kingdom for farther knowledge in Letters, have the King's Licence, which shall contain this Provision; that they shall adhere to the true Religion, and do nothing against it, under the pain of Baratry, and that within twenty Days after they return, they make, and give before their Ordinary, the Confession of their Faith as now Established, or otherways devoid the Kingdom within forty Days thereafter, or be pursued as Adversaries to the Religion. *Jam. 6, Par. 6, cap. 71.* The Act is, *Anent the Youth and others beyond Sea, &c.*

That no Subjects, or Strangers, (except Ambassadors, Messengers, or Merchants) Adversaries of, or Apostates fra the true Religion, return to, or remain within this Realm, unless they obey the Law, anent giving of their Confession of Faith; and that in the meantime, they repair not to the King's Presence, or Palace, under the pain of Imprisonment, until they find Sovery, under the pain of five hundred *merks*, to satisfy, or depart; and that in the mean while, they shall not Seduce any: That the Makers, Sellers, Home-bringers, or Dispersers of erroneous Books, incur the pain of Banishment, and Confiscation of all their Moveables. *Jam. 6, Par. 7, cap. 106.* The Act is, *Against Fugitives, and other Papists, practising against the true Religion.*

Magistrates of Burghs, with a Minister, may search for, and destroy erroneous Books, and put the Home-bringers in Ward, until they be punished in Person and Goods at the King's Will. *Jam. 6, par. 11, cap. 25.*

Ratification after the King's Majority of all Laws already, anent the Religion then and now professed; with an expresse Abrogation of all Laws or Statutes contrary thereto. *Jam. 6, Par. 11, cap. 23. anno 1587.*

Ratification of all Laws made against the Adversaries of the same true Religion, and the Seducers or perswaders to Decline therefra; that any professed Papist, or seminary Priest, found within (*probably it should be after*) the space of a Month, after the Publication of the Acts of this Parliament, shall incur the pain of Death, and Escheat of Moveables; and their Resettlers and Suppliers, by the space of three Days and three Nights, tine their Liferents: All sayers and Hearers of Mass, Profaners of the Sacraments, Persons suspected

Acted to have Declined, withdrawers from the Preaching of the Word, Seducers by Reasoning, or Dispersers of Books, or Letters, being called before the Council, or Justices, and Convict, incur the Tinsel of their moveable Goods and Liferent. *ibid. cap. 24.*

Saying of Mass, and the resetting of Jesuits, seminary Priests, and traffiquing Papists, against the King and the present Religion, infer the Crime and pain of Treason, both against the Persons reset, and their Resetters; but if the Jesuits, and Priests, shall satisfy the King and Kirk, their Resetters are free. *Jam. 6, Par. 12, cap. 120.*

And Reset for three Nights together, or at several times, infers the same to be willingly done; and the pains are declared to be for the first Fault simple Escheat, for the second liferent Escheat, and for the third the pain of Treason and Forefaulture. *Jam. 6, par. 13, cap. 164.*

That none have the benefit of the Act of Pacification 1572, and Act of Oblivion 1585. Except such as profess the present true Religion, and acknowledge the King's Authority. *Jam. 6, Par. 12, cap. 123.*

That all Jesuits, seminary Priests, Excommunicate and traffiquing Papists, common Enemies to all Christian Government, be apprehended, and committed by all Magistrates, until they be Converted, or put out of the Kingdom, or punished, conform to the Acts of Parliament, and that none reset them, under the pains following; the Earl a thousand *libs*, the Lord a thousand *merks*, the Baron five hundred *libs*, the Free-holder three hundred *merks*, and the Yeoman fourty *libs*, and the Burgees as the Council shall modifie, not exceeding a hundred *libs*. *Jam. 6, Par. 16, cap. 18.*

That all wilful Resetters of excommunicate denounced Papists, after Publication made by the Minister of the Paroch, pay the Penalties of Non-Communicants, which are the same with these in the Act immediately preceeding. *Jam. 6, Par. 19, cap. 1.*

All Acts against Jesuites, seminary Priests, Papists, and their Resetters, ratified, declaring as to their Resetters, that Intimation, and Denunciation, made at the head Burgh of the Shire, and Mercat-Cross of *Edinburgh*, shall be sufficient to put them *in mala fide*. *Jam. 6, Par. 20, cap. 5.*

Ratification of all Acts anent the Liberty and Freedom of the true Kirk of God, and Religion presently professed in this Realm. *Cha. 1, par. 1, cap. 4. anno 1633.*

That all Jesuites, Priests, and traffiquing Papists, betwixt and the last of *March* next 1661, remove forth of the Kingdom, under the pain of Death. *Cha. 2, par. 1, cap. 8.*

The King with Advice of Parliament, declares his full and firm Resolution to Maintain the true Protestant Religion, in its Purity of Doctrine and Worship, as established in his Father's and Grand-Father's time, and to promote the Power of Godliness, and encourage the Exercise of Religion, and suppress all Profaneness, and to give Countenance and Protection to the Ministers, behaving as becomes. As also, to settle the Government of the Church, as shall best suit God's Word, Monarchy, and the Kingdom's Peace; and in the mean time continues Kirk Sessions, Presbytries and Synods, notwithstanding the Act rescissory. *ibid. cap. 16.*

Ratification of all the Acts anent the true Church and Religion presently professed, and all private Meetings in Houses, under the pretence of religious Exercises are discharged. *Cha. 2, par. 1, sess. 2, cap. 4.* The Act is, *Concerning Masters of Universities, Ministers, &c.*

Ratification of all the Acts for Settling and Securing the Liberty of the true Kirk, and Protestant Religion, presently professed within this Realm, and all Acts against Popery. *Cha. 2, Par. 3, cap. 1.*

Act requiring all Judges, and Officers, to put the Laws against Popery, and Papists, and against Fanatical Separatists, and all Fanatick Disorders, to full and vigorous Execution, and that every Minister give up Yearly in *October*, Lists of all such in their Paroch, to the Bishops; and that the Bishops transmit a double thereof for Execution, to Judges Ordinary, who are to give an account of their Diligence to the Council Yearly in *December*, and another double thereof to the Clerks of Council, whereupon the said Diligence may be Examined and Controlled. *Cha. 2, Par. 3, cap. 6.* The Act is, *Act anent Religion and the Test.*

Ratification of all Acts and Statutes, for the Security and Liberty of the true Church of God, and the Protestant Religion presently professed. *Jam. 7, Par. 1. cap. 1.*

Act ratifying and confirming all Laws and Acts against Popery and Papists, and for Maintaining the true Reformed Protestant Religion. *W. and M. Par. 1, sess. 2, cap. 5.* See *Confession of Faith*, and *Kirk*.

Ratification in favours of the true Protestant Religion, as at present owned and settled in this Kingdom. *sess. 9, cap. 2.*

Act against Popery, and for Securing the true Protestant Religion. *2. A. Par. 1702, cap. 3.* See it in *Kirk and Papists*.

Act against Popery, and for Securing the true Protestant Religion. *2. A. Par. 1, cap. 2.* See as above.

Act for Securing the Protestant Religion, and Presbyterian Church Government. See it at length in the *Act ratifying the Union*. *2. A. par. 1, sess. 4, cap. 6. anno 1707.*

Remission, and Respite.

Where Remissions are given, with Condition to Assist the Party, yet the Case of Highland-men is excepted, and Modification of Mends appointed to be made in their Case, as in the Act. *Jam. 1, par. 2, cap. 46.*

He who takes him to his Remission for Theft, or Reiff, should find sicker Burrows, to content the Party within forty Days. *Jam. 2, Par. 14, cap. 74.*

That no Respites be Granted, and that they are more against Justice, than plain Remissions. *Jam. 3, par. 13, cap. 94.*

That Remission exprem and declare the greatest Crime, or other-ways shall not save from a greater Crime, than the special Crime expressed. *Jam. 4, Par. 6, cap. 62.*

That no Remission be given for Slaughter on fore-thought Felony; and this Statute to endure till specially revoked by his Majesty. *ibid. cap. 63.*

Who takes him to the King's Remission or Respite, for any Action, except Slaughter and Mutilation, and finds Sovery to Assist the Party.

Party, the Soverities may be called before the Lords of Session; and the Action is privileged as in recent Spulzies: As for Slaughter and Mutilation, that the Order of the former Act be kept. *Jam. 5, Par. 3, cap. 7.* What is meant by this former Act, is not express; it may be the former Act forbidding Remissions.

General Remission of Treason, granted by King James the fifth. *Jam. 5, Par. 6, cap. 92.*

The King, at the desire of the States, closes his Hands from the granting of Remissions, or Respites for three Years: That the Remissions bear the Party to be Assithed, and if the contrary be found, the Remission to be null. *Jam. 6, Par. 8, cap. 136.*

The King at the Request of the Estates, promises to close his Hands from granting any Respite, or Remission, for any odious Crime, shall be committed for five Years thereafter, except upon a sufficient Letter of Slayns shewn: And if any Remission shall be otherways granted, it is declared null; and the Act provides for Assithments as to Crimes past. *Jam. 6, Par. 12, cap. 155. anno 1592.*

Ratified, specially as to the Letter of Slayns, and that no Respite, or Remission, be admitted, except Compounded, and Subscribed by the Thesaurer, at least past in his Register. *Jam. 6, Par. 13, cap. 169.*

That no Remission or Respite, be granted to any Person at the Horn, for Theft, Reiff, Slaughter, Burning or Heirship, while the Party skaithed be satisfied, otherways that the same be null, unless it be granted for Pacifying the broken Countries and Borders, *ibid. cap. 174.*

That if his Majesty grant his Pardon, for any of the Crimes contained in this Act, the Party shall be restored to all Intents, as if he had never been pursued. *Gha. 2, Par. 1, sess. 2, cap. 2.* The Act is, *Act for preservation of his Majesty's Person, Authority and Government*: the Act contains Crimes of Treason and Sedition. See *Indemnity, Oblivion, and Penal-Statutes.*

Removing, *see* Warning.

That Tenents Labouring, and Inhabiting, cannot be removed upon the change of the Lands to a singular Successor, but at the *Whitsunday* thereafter. *Jam. 4, Par. 3, cap. 26.* See it in *Tenant.*

That Removings be made in quiet manner, without Convocation, under the pain of unlawful Convocations. *Q. M. Par. 3, cap. 3.*

The Order of Redemption being duely used, and the Party, and all other Occupyers, lawfully Warned before any *Whitsunday* after the Redemption, the Order being declared, the Party shall be lya-ble as a violent Possessor, for the said Term, as if the Land had been granted lawfully Redeemed, the time of the Order. *Q. M. Par. 6, cap. 30.*

That Removings proceed upon lawful Warning (as in *Warning*) and that the Summons of Removing be on six Days; and if at the Day of Compearance, the Defender make Alledgeance, and offer to improve the Indorsation, that then he be put to find Caution instantly, for the violent Profits: That for discussing of Removings, Sheriffs, and all Judges having Jurisdiction, sit in lawful Courts, the

the whole fifteen lawful Days after *Trinity Sunday*; and if the saids Judges grant not Precepts, and do not Justice, that they pay to the Party all his Dammmages. *ibid. cap. 39.*

That the legal Term of Removing in Burgh and Landwart, be the fifteenth Day of May, upon fourty Days warning of before. *W. and M. Par. 1, sess. 2, cap. 39.*

Rentals.

That all Rentals of the King's Property, not being Feued to Men, and their Heirs, have only the effect of naked Liferents. *Jam 6, Par. 11, cap. 69.*

Repledgiation.

Where Repledgiation is lawfully made, the Process led in the contrary is of none avail. *Jam. 6, Par. 11, cap. 29.* The Act is, *Annexation of the Temporality of Benefices to the Crown.* See *Regality.*

Rescissory Acts.

Act rescinding the Committees and Parliaments, that sat after the Parliament 1648, and all their Acts, excepting such as were past in Meetings of Parliament, or Committees, authorized by his Majesty's presence, and not inconsistent with this Act: As also, Indemnifying all those that Acted in all the saids Committees and Parliaments, or by vertue thereof, except, as to be hereafter excepted in this Parliament. *Cha. 2, Par. 1, sess. 1, cap. 9.* The Act is, *Act approving the Engagement 1648, &c.*

Act rescinding the Parliaments 1640, 41, 44, 45, 46, 47, and 1648. and all their Acts; but Indemnifying those that Acted in, or by vertue thereof, (except as to be excepted in this Parliament) And also, declaring all Acts, Rights, and Securities, past in these Meetings, or by vertue thereof, in favours of any particular Person, for their civil and private Interest, to stand good, until considered and determined in this Parliament. *ibid. cap. 15.*

Resignation.

Procuratories of Resignation *ad remanentiam*, should be sealed and subscribed by the Granter, or an Notar for him; or if the Vassals make the Resignation personally, then the Instrument should be so sealed and subscribed by him, otherways the Resignation makes no Faith. *2. M. Par. 6, cap. 38.* This Act dispensed with for bygones, and until the first of March 1563. *2. M. Par. 9, cap. 81.*

Instruments of Resignation *ad remanentiam*, should be Registrare. *Cha. 2, Par. 2, sess. 1, cap. 3.* See *Registration.*

Retour, see Precepts.

The Retour should contain the old Avail, and also the true Avail the Lands are worth, the time of serving of the Brieve. *Jam. 3, Par. 7, cap. 56.*

That heretable Annualrents, be only Retoured to the Blench, or other Duty, contained in the Bond or Insestment of Annualrent. *W. and M. Par. 1, sess. 2, cap. 42.*

Rever-

Reversion.

That Reversions be effectual, upon payment of the Sums therein contained, against the singular Successor of the Granter, and they may be Registrate for Conservation; and that the Extracts make Faith as the Principals. *Jam. 3, par. 5, cap. 28.*

That all Reversions, Bonds, and Discharges thereof, be made under the Seal and Subscription of the Granter; and if he cannot Write, that he Subscribe by an Notar; and that all Writings bearing, or for giving Reversions, make no Faith, unless Registrate in Judgement, in the Books of some ordinary Judge; except Instruments of Reversion within Burgh, taken the time of the Resignation and Seafin, before the same Witnesses, which are declared to make Faith. *Q. M. Par. 6, cap. 29.*

That where Reversions contain special Gold, or Silver, not now to be had, the Reverser may Redeem by giving Gold and Silver, having course for the time, of the same Weight, Value and Fineness. *ibid. cap. 37.*

Revocation, *see* Annexation, and Dissolution.

Revocations of all Alienations of Lands, and Goods, that were in King *James* the 1st his Possession, the time of his decease, made without Consent of the three Estates; and that an Inventar be made of the King's Goods, and none of his Lands Annailzied without Consent of the three Estates, until he be of the Age of twenty one Years compleat, otherways the said Alienation to be null. *Jam. 2, par. 1, cap. 2.*

Revocation by King *James* the third of Alienations prejudicial to his Heirs and Crown, Conversions of Ward-holdings unto Blanch, making of Tailzies, as being against Conscience, or Gifts of keeping of Castles longer than during Will. *Jam. 3, par. 9, cap. 71.*

Revocation by King *James* the 4th, of all Deeds done by King *James* the 3d, after the second of February 1488, as granted for the Assistance of the perverse Council, that were against the common Good of the Realm, and cause of his Slaughter. *Jam. 4, Par. 1, cap. 5.* And that the Receivers of these Gifts and Deeds, bring in the same within forty Days, to be destroyed. *Jam. 4, par. 2, cap. 22.*

Revocation of all Gifts and Deeds granted by King *James* the 4th, since his Coronation. *Jam. 4, Par. 2, cap. 10.*

Revocation of all Gifts given by King *James* the third, after the second of September 1487: As also, of all Resignations received by him, and Infeiments thereon after the said day, in prejudice of the righteous Heirs, as being granted by the King, misled by ill Counsel, and the same are declared void and null. *Jam. 4, Par. 4, cap. 50.*

Revocation by King *James* the 4th at his perfect Age, after the Privilege of Common Law, whereby upon the ground of Lesion,

and his Coronation Oath, he Revokes, 1. All Alienations by himself, or his Predecessors, of Lands, and others annexed to the Crown, or to the Principality. 2. All Gifts and Grants made in his Non-age, as also, Gifts of Offices for Terms, and Tacks of long Terms. 3. All Tailzies from Heirs General, to Heirs Male. 4. All Possessions pertaining to him, or his Predecessors. 5. All Change of Holdings, from Ward to Blanch. 6. All Regalities and Offices given in Heretage against the Acts of Parliament. 7. All Gifts of Bastardies, or other Casualties given by him in his Minority. 8. All Erections and Unions of Lands in Baronies, and Discharges of Services and Snits. 9. All Creations of Baronies in Lands annexed. 10. All Gifts of Patronages. 11. All things that the Common Law allows to be Revoked. And lastly, All things done in Hurt of his Conscience, or Crown; protesting, that his Majesty's Tolerance shall not prejudice his Right: As also, he Revokes all Confirmations where Lands, or the greatest part of them, were annulized of before, and the same not known to his Majesty: Excepting from this Revocation, the Lands given to the Earl of *Bothwell*, and Sir *John Ross*. *Jam. 4, Par. 4, cap. 51.*

Revocation by King *James* the 4th, of all Deeds, Donations, Acts of Parliament, or others hurtful to the Catholick Kirk, his Conscience, or Crown. *Jam. 4, Par. 6, cap. 100.*

Revocation by King *James* the 5th, after his Age of twenty five Years compleat, made first in General at *Rowan* in *France*, and now extended almost in the same Terms, with that of King *James* the 4th. *Jam. 5, Par. 6, cap. 70.*

Revocation by Queen *Mary* after her Age of twelve Years compleat, and the dimission of the Government, made by the Earl of *Arran*; it contains the common Heads *ut supra*, and bears date at *Fountain-bleau* in *France*, the 25th of *April* 1555 Years. *Q. M. par. 6, cap. 28.*

Revocation by King *James* the sixth in the Year 1585, before his Majority, of all Deeds done in prejudice of the annexed Property; and that notwithstanding of any Ratification or Confirmation thereof by the Parliament otherways: And the King promises to observe the good Form in his House to be prescribed by the Lords of Privy Council, and the Officers of State, appointed by the Parliament. *Jam. 6, par. 10. cap. 17.*

Revocation by King *James* the sixth, bearing in the Narrative, to be made after his perfect Age of twenty one, and long within his Age of twenty five Years compleat, and containing almost the same Heads with that of King *James* the 4th; but more fully extended, and clearly qualified, as here Tacks for above the space of five Years, are Revoked as long Tacks: As also, the Conversion of Feu-Farm into Silver-Duty from the Head (revoking Tailzies) Tailzies made in a new Conquest, are excepted, as not being against Conscience, Ward-holding changed to Blanch, and Regalities gifted in the King's Minority, are Revoked. Presentations to Lands holden of other Superiors, are excepted from the Revocation of Gifts of Bastardies, last Heirs and Forfaultures: And the King Revokes all Gifts of thirds of Benefices, Kirk-Lands, Common-Kirks, Monks Portions, first Fruits, and first Penny of Benefices, Patronages, and Superplus of Benc-

Benefices: And generally all things done in his Minority, against Conscience, and prejudicial to his Crown, and what the Law allows him to Revoke; and Swears to keep and retain the annexed Property, conform to the Act *Jam. 2, par. 11, cap. 41. Jam. 6, par. 11, cap. 31.*

Revocation by King *Charles* the first, very full and ample, but consisting of the same Heads, with these preceeding, only these Particulars are noted: All Dispositions of the annexed Property are Revoked, except where Dissolution was made in Parliament in the King's Majority: The King also Revokes all Gifts of Bastardy, last Heir, Recognitions and Forefaitures gifted by any King in his Minority, with all Confirmations thereof in Parliaments, excepting Presentations to Tenendries, as in King *James* the sixth his Revocation: As also, all Discharges of Service, and Suits of Court, given against the Law: As also, Gifts of Hospitals, Mason Dues, and their Lands, against Conscience, and the Laws of the Kingdom; with an Exception in favours of the Town of *Edinburgh*: Likeas, the Pension to the Earl of *Mortoun*, with the Tack of *Orkney* and *Zetland*, are excepted from this Revocation: His Majesty also Revokes all Erections of whatsoever Abbacy, or Prelacy, in whole, or in part, made by himself: As also, all Infeiments of Erections made and granted by King *James*, or any other of his Majesty's Predecessors of whatsoever Abbacy, Priory, Nunry, Preceptory, or other Benefice whatsoever in whole or in Part, whereof the Presentation should belong to his Majesty, if it were not Erected: As also, all Dissolutions and other Acts whereon the same are founded, in so far as they are contrary to the General Laws and Acts of Parliament: And generally his Majesty Revokes, according to the preceeding Revocations, and Refers thereto. *Cha. 1, par. 1, cap. 9.* General Revocation by King *Charles* the second. *Cha. 2, par. 1, sess. 2, cap. 8.*

Riding, *see* Sornerers.

That no Man ride or goe with more Men nor may suffice, and for whom he will make payment. *Jam. 1, par. 1, cap. 5.*

Rising in Arms, *see* Rebellion.

That no Man raise any Bands in Arms for Wages, without Licence of the Queen, under the pain of Death, both to the Raisers and Risers. *2. M. par. 9, cap. 75.*

This Act, with some Extensions, applyed to Burghs. *ibid. cap. 83.* See it in *Burghs.*

Robbery, or Reiff, *see* Spulzy and Highlands.

That no Man Reive anothers Goods, or Prisoner, in *Englisheard*, or in *Scots*, under the pain of Death. *Jam. 2, Par. 12, cap. 53.*

Robin

Robin Hood, *see* Plays.

Rome, *see* Benefices, and Clergyman.

All Causes depending at Rome, or before its Courts, or Delegates, should be tryed and decided before the Judge Ordinary within the Kingdom, and Appellations made to Rome, should be determined by the Lords of Session; and this Act to have effect from August 1560. *Jam. 6, par. 7, cap. 115.*

Ruicks.

That Ruicks be not suffered to big in Trees, and where it be mainted that they big, and the Birds flown, and the Nests found at Beltam, that the Trees be forefaulted to the King, with five shillings Unlaw. *Jam. 6, par. 1, cap. 19.*

Rum.

Act discharging the making of Rum, except for Export, under the pain of the Contraveeners losing their Privilege of Manufactory, and of what farther the Council shall inflict. *W. Par. 1, sess. 5, cap. 39.* But this Act rescinded, *sess. 6, Par. 7, ibid.*

Run-Rig.

That Lands belonging to several Heretors lying Run-rig, may be divided at the instance of any of the Parties, on Citation of all having Interest, by the Sheriff, Justice of Peace, who are to have special regard to Mansion-Houses, that the Division may be commodious to them; and excepting from this Act Burrow Aikers. *W. par. 1, sess. 5, cap. 23.*

S.

Sabbath, and Holy-Days.

That there be no Fairs holden on Holy-Days, but the Morn after, and that there be no Removings nor Poindings used, until the third Day after Whitsunday or Martinmass. *Jam. 3, par. 5, cap. 35.* and *Jam. 4, Par. 6, cap. 83.* And that Fairs be not holden within Kirks, or Kirk-Yards. *Ibid.* Ratified, and Mercates and Fairs discharged on the Sabbath, and that no handy Labour be used thereon, under the pain of ten shillings Scots, nor Gaming, Playing, passing to Taverns, or Ale-Houses, selling of Meat and Drink, and wilful remaining from the Kirk, the time of Sermon or Prayers, under the

pain

pain of twenty *shillings*; and if the Offenders be unwilling, or unable to pay, that they be put in Stocks or Joggs; and the King is to appoint Commissioners in every Paroch for Executing of this Act. *Jam. 6, Par. 6, cap. 70.*

Ratified, Charging all Judges and others whom it shall please Presbytries to Name, to put away the saids Fairs and Mercates, and that Letters be direct at the instance of the Presbytry, against them for that effect. *Jam. 6, Par. 13, cap. 159.*

Again ratified, and added, that who sells or presents to Sale, any Goods on the Sabbath, and shall be thrice Convict thereof, shall fine all their Moveables, and their Persons to be in the King's Will. *Jam. 6, par. 14, cap. 198.*

Act for changing of Mercats from the Sabbath, to any Week Day. *Jam. 6, par. 12, cap. 122.* And that no Mercats be kept in Burghs on Munday or Saturday. *Cha. 2, par. 1, sess. 3, cap. 19.* See both in *Mercats.*

Ratification of all Acts made for the Observation of the Sabbath, and discharging all Salmond fishing, going of Salt Pans, Milns or Kilns, hiring of Shearers, carrying of Loads, keeping of Mercats, and using of Merchandise on that Day, and all other Profanations thereof, under the pain of twenty *libs* for Salt Pans, Miln or Kiln, and ten *libs* for each other Profanation, to be applyed as in the Act anent Justices of the Peace, and that the Insolvent be punished in their Persons. *Cha. 2, par. 1, sess. 1, cap. 18.* Ratified *Cha. 2, Par. 2, sess. 3, cap. 22.* See it in *Profaneness.*

Sacrament, *see* Baptism, and Communion.

That none Administrate the Sacraments secretly, or any other way, except that they have power for that effect. *Jam. 6, Par. 1, cap. 5.* The Act is, *Anent the Mass abolished, &c.*

That all Sayers and Hearers of Mass, and Profaners of the Sacraments, incur the tinsel of simple and liferent Escheat. *Jam. 6, Par. 11, cap. 24.* See *Mass.* The Act is, *Anent Tryal and Punishment of the Adversaries of the true Religion.*

Sale of Lands, *see* Bankrupt. Salmond, *see* Fish, and Fishing, and Game.

Salmond should not be slain in time forbidden, under the pain of fourty *shillings*, and for the third time, the Slayer to fine his Life, or then buy it. *Jam. 1, Par. 1, cap. 20.*

That no Salmond be slain from the Feast of the Assumption (15th of *August*) until the Feast of St. *Andrew's* (30th of *November*) under the pain of slaying the Red Fish; and this to be a point of Dittay. *Jam. 1, par. 2, cap. 35.* But the Waters of *Solway* and *Tweed* are
here

herefrom excepted, so long as *Berwick* and *Roxburgh* are in the *English* hands. *Jam. 1, par. 9, cap. 131.*

That Custom be payed for all *Salmond* and other *Fish*, had out of the *Realm*, as well by *Inhabitants* as framed *Persons*. *Jam. 1, Par. 5, cap. 76.*

That no *Salmond* be sold or bartered with any *Man* that hath it out of the *Realm*, except for *English* Money for the one half, and *Gascoigne* Wine, or good penny Worths for the other. *Jam. 1, par. 10, cap. 132.*

That who slayes *Salmond* in forbidden time, pay for the first Fault forty *shillings*, for the second four *libs*, and for the third shall fine his Office for ever, and this extended to art and part. *Jam. 2, Par. 5, cap. 8.*

That no *Man* slay *Red Fish* in forbidden time, under the pain of ten *libs*, and that for the third time he buy his Life. *Jam. 2, Par. 14, cap. 85.* and *Jam. 4, par. 2, cap. 15.* And that for the third time, the *Committee* fine his Life. *Jam. 4, Par. 6, cap. 72.*

That the *Acts* made upon them that slays *Red Fish*, *Smolts*, and *Salmond*, in time forbidden, be put to sharp Execution. *Jam. 5, par. 4, cap. 16.*

That no *Man* in *Smolt* time, set any *Engine* to hinder them to go to the *Sea*, under the pain of ten *libs*. *Jam. 2, Par. 14, cap. 86.* And for the third time, tinsel of Life, and that the *Sheriff* destroy all such *Engines*. *Jam. 3, Par. 5, cap. 38. Jam. 4, Par. 2, cap. 15.*

The *Acts* anent the Slaughter of *Black Fish* and *Smolts*, Ratified, and that *Courts* be held Yearly at *Pasch* and *Martinmas*, against the *Contraveeners*, and that they be put to find Caution, under the pain of an hundred *libs*, but the *River of Tweed* excepted. *Jam. 6, par. 1, cap. 30.*

And thir *Acts* are ratified, and all *Judges Ordinary* impowered to Execute them. *Jam. 6, Par. 6, cap. 89.* And there is *Commission* granted to certain *Judges* named in the *Act*, within their respective *Bounds* for this effect. *Jam. 6, Par. 7, cap. 111.*

Act ratifying former *Acts* anent slaying of *Salmond*, *Black* or *Red Fish* in forbidden time, destroying of *Smolts*, and Fry of *Salmond*, and declaring it lawful for the *Magistrates* of *Burghs*, if they first attach, to proceed against the *Contraveeners*, albeit the *Power* before was restricted to the *Sheriffs*. *Jam. 6, Par. 14, cap. 224.*

The former *Acts* ratified, and that all having *Land* next adjacent to *Waters*, and *Rivers* where *Salmond* are taken, find caution acted in the *Books of Council*, to be answerable for their *Tenents*, and the *Indwellers* in their *Bounds*, whom they may stop or let, that they shall not slay *Salmond* in forbidden time; the *Earl* or *Lord*, under the pain of a thousand *merks*, and the *Baron*, and all others, under the pain of five hundred *merks*, half to the *King*, and half to the *Judges* appointed by the former *Acts*, and that *Letters* be hereupon direct at their *Instance*; but the *Waters of Annand* and *Tweed*, as being in the *Borders* are excepted from this *Act*. *Jam. 6, Par. 15, cap. 261.*

That slaying of *Salmond* in forbidden time, or of *Kipper*, *Smolts*, or such *Black Fish* at any time, be punished as *Theft*, according to the

the Committers Rank and Estate, and the Waters of *Annand* and *Tweed* are again excepted. *Jam. 6, Par. 16, cap. 11.* But this Exception upon his Majesty's Succession to the Crown of *England* is *simpliciter* discharged, and the pain of Theft and Death universally extended. *Jam. 6, Par. 16, cap. 5.*

That Salmond be Packed in Barrels of the Measure of *Hamburgh*, after the old Assise, and in none smaller, under the pain of Escheat of the Salmond, and that the Cowper who makes smaller Barrels, pay five *libs* of Unlaw. *Jam. 3, Par. 10, cap. 77.*

That the Salmond Barrel contain fourteen Gallons, under the pain of Escheat of the Barrel, and that each Burgh have three Hoop Irons, and a Burning Iron, for Measuring and Marking. *Jam. 3, Par. 14, cap. 110.*

That in Barreling of Salmond, the old Bind of *Aberdeen* be observed, under the pain of ten *shillings* of Unlaw, to be payed by the Cowper. *Jam. 4, par. 4, cap. 52.*

That the Cowper and Town, have Burning Irons, for Marking the saids Barrels, and what is not so Marked, to be Escheat, half to the King, half to the Town. *Jam. 5, Par. 7, cap. 109.*

That the Salmond Barrel contain twelve Gallons, and the Herring and White Fish Barrel, nine Gallons of the *Stirling* Pint, and be Marked by the Cowper, under the pains in the former Laws. *Jam. 6, Par. 4, cap. 57.*

That there be a just Standard made for Salmond, conform to the old Acts, to be kept at *Aberdeen*; and Staples also are appointed for Salmond as in the Act. *Jam. 6, par. 8, cap. 141.*

Act ratifying all Acts, made anent Salmond-fishing, the sufficiency of the Barrels, and loyal Packing thereof; and farther, that Cowpers make the Barrels good and right as in the Act, containing no less then ten Gallons of the *Stirling* Pint, conform to an Act of Council 15th *July* 1619, here ratified, under the pain of five *libs* for every insufficient Barrel, and Escheat of the Barrel; and that the Barrels be Marked by the Cowper's Birn on the tapen Staff, and the Cowpers lyable for the Merchants loss; and that the Barrel be Marked with a particular Merchant Mark, under the pain of Confiscation of the Salmond, attour the Counterfeiters punishment at the pleasure of the Judge, one half of the Pain to the King, and the other half to the Burgh injured; and that Magistrates in Burghs put this Act to Execution. *Cha. 2, Par. 1, sess. 1, cap. 33.*

Act ratifying all former Acts against killing of Salmond, Kipper, or Black Fish, in forbidden time, and the killing of the Fry and Smolts of Salmond; and who cannot pay his Fine, to be punished Corporally, or by Banishment. *Item*, The half of the Fine to the Discoverer. *Item*, That there be a constant Slop in the Mid-stream of each Dam-dyke, over every Salmond River, or Grain thereof, where no Cruves are settled in those Rivers, and as wide as the going of the Miln will allow, and all Fishing at such Miln Dam-dykes discharged, under the Pains of Destroyers of Fry of Salmond. *W. Par. 1, sess. 6, cap. 33.*

Privileges granted to the Makers of Salt, of a new Fashion, that none make, or cause be made the like, without the Queen's Licence, for the space of fifty Years, under the pain of Death, and Confiscation of the Lands and Houses where the Salt is made. *Q. M. Par. 9, cap. 71.*

That Salt be not Exported for three Years to come, except in Exchange of Timber imported by Strangers, under the pain of Escheat of Salt, Ship, and other Moveables of the Exporters. *Jam. 6, par. 4, cap. 56.*

Act discharging all Pre-emption of Salt, as also the Excise of all Salt made within the Kingdom, and that each Boll of foreign Salt, *Linlithgow* Measure, pay forty *shillings*, whether imployed on Fishes or not, and that therefore all Fishes exported be free of Custom: and all Acts in the contrary are rescinded, and that the Custom of Salt continue as in the Book of Rates. *Cha. 2, par. 2, sess. 4, cap. 1.*

The making of Salt upon Salt, hath the Privilege of a Manufactory, but without any Exemption of foreign Salt from its former Dues. *W. Par. 1, sess. 6, cap. 44.*

Act discharging the Importation of *English* or *Irish* Salt, after the first of *October* 1705, under strait Pains. See the *Act. Q. A. par. 1, sess. 3, cap. 2. anno 1705.*

Salters, *see* Coaliers.

Salt-Works declared to be Free, and that they are publick Manufactories, and to have the Privileges thereof: That *French* Salt be sold at the Place of its Import, at five *libs* per Boll *Linlithgow* Measure, including the forty *shillings* of Excise, and *Spanish* Salt for six *libs* in the same manner, under the pain of an hundred *libs* *toties quoties*, for ilk Boll sold above the said Rate, half to the King, and half to the Discoverer; but that this Act be without prejudice to his Majesty's Prerogative, as declared by the Act. *Cha. 2, Par. 1, sess. 3, cap. 27. Anent his Majesty's Prerogative in ordering and disposal of Trade with foreigners. Cha. 2, par. 3, cap. 27.*

Sand-hills.

That for preventing of Over-blowing by Sand, none pull Bents, Broom or Bushes, off Sand hills, under the pain of ten *libs*, half to the Judge, half to the Informer, beside the repairing of the Damage. *W. par. 1, sess. 5, cap. 3.*

Sowing, *see* Labouring.

Schools, *see* Universities.

That all Barons, and Free-holders of Substance, put their eldest Sons and Heirs to Schools, to learn Latine, and Arts, and Jure, and that

that they may understand the Laws, under the pain of twenty *libs.* Jam. 4, Par. 5, cap. 54.

That all Schools and Colleges be Reformed, and none admitted to Instruct the Youth privately or openly, but such as shall be tryed by the Superintendents, and Visitors of the Kirk. Jam. 6, par. 1, cap. 11.

Ratification of the Act of Council 10 December 1616, for planting of Schools, and the Bishop of the Diocye is impowered, with consent of the Heretors, and most part of the Parochiners, or if the Heretors refuse, with consent of most part of the Parochiners, to lay a Stent on every Plough, for Maintenance of the saids Schools; and Letters are ordained to be direct at the School Master's Instance, &c. And if there be any Complaint, the Lords of Council are to hear, and determine it. Cha. 1, Par. 1, cap. 5.

That none be admitted to Teach any publick School, without Licence of the Ordinary. Cha. 2, par. 1. sess. 2, cap. 4, The Act is, *Act concerning Masters of Universities, Ministers, &c.*

That there be a School and School Master in every Paroch, his Fee not under an hundred *merks*, nor above two hundred *merks*, to be payed by the Heretors and Liferenters in the Paroch, to have Relief for the half off their Tenents; and that Letters be therefore directed, with the same Privileges as to Suspensions with Ministers Stipends. See the *Act. Item*, Schools and School Masters declared to be a pious Use, to which Patrons may imploy vacant Stipends, excepting from this Act, the Synod of *Argyle*, because of the Act *W. and M. par. 1, sess. 2, cap. 24.* in their favours, and these vacant Stipends appointed to be applied as above, at the sight of the Sheriff of the Bounds, and all former Acts for Schools ratified. *W. par. 1, sess. 6, cap. 26.*

Scotia Nova, or Nova Scotia.

Ratification of the Charters and Infeftments granted to the Viscount of *Stirling*, his Heirs and Assignes, and of the River and Gulf of *Canada*, and Bounds and Privileges therein contained, specially these Charters following, one of the date the tenth of September 1621; another the twelfth of July 1625; another the third of May 1627; another the second of February 1628; with an Signature dated the twenty fourth of August: As also, of the Act of Convention the sixth of July 1630, Approving and Confirming the Dignity, and Order of Knight Baronet, and all following thereon. Cha. 1, par. 1, cap. 28.

Seal, and Sealing, see Subscription.

That the Great and Privy Seals be appended to Charters and other Writs, written Book ways, as well as broad ways, and that upon an Tye, or Bond, going through all the leaves in the Margine. Cha. 2, Par. 2, sess. 3, cap. 7.

Seafin.

That all Seafins upon Precepts forth of the Chancellary, be given by Sheriff Clerks, and other Seafins by famous Notars. *Jam. 5, Par. 6, cap. 77.* But this Act dispensed with for bygones, in respect of the Troubles, and ratified for hereafter; with this Addition, that the Sheriff, Stewart, or Bailly of Regality, or Royalty, or their Deputes, be required to give the saids Seafins, which if they refuse, the Party may make another Bailly. *Q. M. Par. 6, cap. 34. anno 1555.*

But it is again dispensed with for bygones, and until the first of March 1563, *Q. M. Par. 9, cap. 80.* And both these Acts are hereafter restricted to Precepts on Retours, and Seafins thereupon. *Jam. 6, par. 18, cap. 15.*

That all Seafins not given on Precepts furth of the Chancellary, be within Year and Day presented to the Sheriff-Clerk, and the same, or a Breviate thereof insert in his Books, for which the Clerk should get two shillings; and that the Clerk bring Yearly to the Exchequer, the Books of the saids Seafins, and leave a double thereof signed by him, with the double of his Protocol to remain in the Register. *Q. M. Par. 6, cap. 46. renewed Jam. 6, par. 11, cap. 64.*

That no Seafin be given within Burgh, but by one of the Baillies, and the Common-Clerk, otherways to be null. *Jam. 6, Par. 1, cap. 27.* One Notar, with a sufficient number of honest Witnesses, sufficient in Instruments of Seafin. *Jam. 6, Par. 9, cap. 4. See Witnesses.*

That Instruments of Seafin be Registrate within sixty Days. *Jam. 6, par. 22, cap. 16. See Registration.*

Separation, *see* Conventicle.

That such as ordinarily absent themselves from their Paroch Kirks on the Lord's Day, incur the Pains following; each Nobleman, Gentleman, and Heretor, the loss of a 4th part of ilk Years Rent, in which they shall be Convicted; and each Yeoman or Tenent, the loss of such a part of their Moveables, as the Lords of Council shall modifie, not exceeding a 4th; and every Burgess his Liberty, and the 4th of his Moveables: And the Council is to Execute this Act against all, who after Admonition of the Minister, before two sufficient Witnesses, and by him so Attested, shall be given up to them, with power to them to Inflict further corporal Pains, as they judge necessary, and to do every other thing for procuring Obedience to this Act, and for the Executing thereof. *Cha. 2, par. 1, sess. 3, cap. 2.* This Act contains also a Ratification of the 1st, 3d, and 4th Acts of the second Session of this Parliament.

That all his Majesty's Subjects of the Reformed Religion, attend the Worship in their own Churches, and that who shall withdraw for three Lord's Days together, without just Excuse, be Fined as in the Act, which Act the Sheriffs, Stewards, Lords of Regality, and Magi-

Magistrates of Burghs are to Execute, and are allowed to have for themselves all the Fines, except these of Heretors, for which they are to be Comptable to the Commissioners of the Thesaury; and if an Heretor, Liferenter, or Wadsetter, Fined, thereafter obstinately withdraw for a Year, the Council upon the inferior Judge his Delation, may put them to sign a Bond, not to rise in Arms, &c. which if they refuse, they are to be Secured or Banished, or otherways they amit to the King their simple and liferent Escheat, and this Act is appointed to continue for three Years, unless his Majesty continue it longer, and that it be without prejudice of the Churches Censures. *Cha. 2, Par. 2, sess. 2, cap. 7.*

This Act continued for three Years, after the Expiration of the first three Years, and longer as his Majesty shall be pleased to appoint; and that Magistrates of Burghs Execute the same upon their Burgeses: and that they and the other Judges named in the former Act, be diligent, and give account of their Diligence Yearly, the first Thursday of July to the Privy Council, under the pain of five hundred merks. *Cha. 2, Par. 2, sess. 3, cap. 17.* The Act is, *Against Keepers of Conventicles, &c.*

Act ordaining all Heretors and Masters to oblige their Tenents to live Peaceably and Regularly, free of Fanatical Disorders; and for that end, Impowering them to remove the Disobeyers, notwithstanding of their standing Tacks, which in this case are declared void. *Jam. 7, Par. 1, cap. 24.* But this Act, and all the other Acts above against Separation, rescinded by the Act, *W. and M. par. 1, sess. 2, cap. 27.*

Serjand, see Mairs, and Messengers.

Servant.

A hired Servant from *Martinmas* to *Whitsunday*, may be detained by his Master, or compelled by a Justice of Peace, to stay with him for the same Hire from *Whitsunday* to *Martinmas*, unless the Servant can verifie to the Justice of Peace, or Constable of the Bounds, that he is Hired to another Master: And a Justice of Peace, may compel a Servant running away, to return to his Master. As also all loose Men, and Women, to Serve for competent Hire, and Labourers may apprehend all such within their Bounds, and Employ them in their Works. *Jam. 6, Par. 23, cap. 21.*

Session.

The Chancellor and certain Persons of the three Estates, to be chosen by the King, appointed for the Session, and to Sit three times in the Year, where the King shall please, for all Causes proper for the King, and his Council. *Jam. 1, Par. 3, cap. 65.*

The Lords of Session, appointed at this time by Commission of Parliament, given to a good Number of the three Estates, are Impowered to know on all civil Actions, not concerning Fee or Heretage, and ordained to cause the Party in the Wrong, pay to the other his Expence. *Jam. 2, par. 14, cap. 61.*

Act setting down the manner of bringing Causes before the saids Lords, and that the other Causes there mentioned, be utterly Decided by them, without remeed of Appellation to the King or Parliament. *ibid. cap. 62.*

That those Lords bear their own Cost, their Charge not being great, and that the better to help, they have the King's Unlaw of their Court, which is fourty *shillings*, to be divided betwixt them, and the Clerk-Register. *ibid. 63.*

That in place of the Lords of Session, the King choose a Council to sit continually in *Edinburgh*, or where the King pleases, to decide in all civil Matters. *Jam. 4, par. 6, cap. 58.*

The Institution of the College of Justice, commonly called the Session, for doing Justice in all civil Matters, and that it consist of Fourteen, half Spiritual, half Temporal, with a President; and they are authorized to Decide upon all Actions Civil, and none others to have Vote with them. *Jam. 5, Par. 5, cap. 36.*

That they begin to sit at *Edinburgh*, and at what time. *ibid. cap. 37.* That they be Sworn to Minister Justice equally. *ibid. cap. 38.* That their Decrees have the same force, that the Decrees of the Lords of Session had before. *ibid. cap. 39.* Providing the Lord Chancellor being present, have a Vote, and be Principal; and that also Three or Four more of the King's great Council, to be named by him, have Vote with them. *ibid. cap. 40.*

That the Fifteen Lords then nominate, Subscribe all Deliverances, and none others. *ibid. cap. 41.* That the Chancellor or President, receive the Oaths of the Lords, and in absence of the President, the King is to name a Vice-President. *ibid. 42.* Command is given to the Lords, to conclude upon Rules and Statutes, to be kept in their Order of Proceeding, which the King promised to ratifie. *ibid. cap. 43.*

Follows the Rules and Orders then set down; and first the Division of the Realm in Quarters. *ibid. cap. 44.* Privileged Summons, recent Spulzies, calling of Letters, Redeeming of Lands, Acts of Adjournal, Superiors to hear them decerned to fine their Superiorities, Reduction of inordinate Process, before Sheriffs and Baillies, and Retreating a Transferring of Decrees, and that Letters that concern Horning have Process at all times. *ibid. cap. 45.* That all other Matters be called by the Order of the Table, all Days of the Week, except Friday assigned for the King, Queen, and Strangers Matters. *ibid. cap. 45.* That Acts be called at the Days assigned, for expedition of Witnesses, and eschewing Expences. *ibid. cap. 46.* That it be eiked to all Deliverances to Sheriffs, that they admit Parties to their Defences, and Minister Justice equally. *ibid. cap. 47.* Order for Table and Seats. *ibid. 48.* That the Lords enter the House at eight Hours Daily, and sit unto eleven. *ibid. cap. 49.* That after the Entry of the Lords, the House be Isled, and that an Macer stand at the

the Door. *ibid. cap. 50.* That no Man enter in Plea except the Parties contained in the Summons, and their Procurators, if they any have. *ibid. cap. 51.* That Bills be first read, then Acts called, and then the Table proceeded in; and that all Parties deliver their Bills and Acts, to the Chancellor or President, before they enter, or incontinent thereafter, by a Macer. *ibid. cap. 52.* That three Lords be depute Weekly, as they are placed in Order, to Examine Witnesses; and that they Conveen daily at two Afternoon in the House, with a Clerk, or one of his Writers, Sworn by the Lords for that effect. *ibid. cap. 53.* That all Matters be called by the Order of the Table, as is above Statute. *ibid. cap. 54.* That the Lords being set, silence be kept, and that none speak or round with his Marow, and that no other interrupt the Two, that shall be commanded by the Chancellor or President, to Argue any Matter, but when they have done, others may speak upon leave asked. *ibid. cap. 55.* That the Debate being ended, the Chancellor or President, require the Votes of the Lords in Order, and that the Clerk read their Names, and that none Argue another in Voting. *ibid. cap. 56.* That in Advising or giving Sentences, there be ten at least, with the President or Chancellor, (but the Act Jam. 6, Par. 11, cap. 44. insinuates Nine ordinary Lords to be a *Quorum*) That the Lords absent not, but upon Licence of the Chancellor given *in presentia*: That all Publication of Witnesses, and other Examination of Process, be made *in presentia*. *ibid. cap. 57.* That the Lords Decrees be Execute by Sheriffs, Pursevants, or Macers, for the Fee appointed by Act of Parliament. (See it in Fee. Jam. 4, par. 3, cap. 30.) That all Clerks of the Signet, be Sworn to be Faithful, and not reveal what they Writ, or do for their Employers. *ibid. cap. 59.* That the Clerks of the Signet, take only eight pennies for writing a Bill, and twenty pennies for Letters on an Decreet, and for other Letters as formerly, under the pain of tinsel of Office. *ibid. cap. 60.* That Writers mark their Bills with their Names: That none frustrate another of their Labours, and that all Diliverances be written by Clerks of the Session. *ibid. cap. 61.* That Macers be Sworn to be Faithful, and that they be Secret, and take no more for their Labours than two shillings, under the pain of Deprivation and Infamy. *cap. 62, and 63.*

That there be ten Advocates appointed to be general Procurators of the Council, and that they serve all Men for their Wages, and that they be sworn to be Faithful. *ibid. cap. 64, and 65.*

That Advocates remove with the Parties, and enter again with them, at the giving of Interloquitors. *ibid. cap. 66.* That an Dilator being Repelled, all the other Dilators be proponed at once, and that no Advocate, except the King's Advocate plea within the Bar. *ibid. cap. 67.* Follows the King's good Mind, anent the Lords, wherein he ratifies the foregoing Statutes, and promises, not to charge or desire them to do otherways in any manner, then as Justice requires, and to maintain and defend their Persons, Lands and Goods, from all wrong: And because the saids Lords represent his Majesty's Person, and bear his Authority, the King promises to give no credence to any that Murmures against them, but first to call them, and found culpable, to punish them, and if not, to pu-

nish the Complainer with all rigour: And further, exempts them from all Taxes and Burdens, and from bearing all Offices, except they please; with power to them to punish such as lightly them, with Imprisonment, in any of the King's Castles; and if the Injury be great, that the King be advertised, that he may gar the same be punished; and this Ratification the King signes, and ordains to be Registrate the tenth of *June*, the 19th Year of his Reign, which was the Year 1533. *ibid. cap. 68.*

Ratification of the College of Justice, and of the Pope's Approbation, and Confirmation thereof; with power to the Lords to make Acts and Statutes for ordering of Process, and hasty expedition of Justice; and that in the absence of the President and Vice-President, the eldest Senator in order Preside for the time. *Jam. 5, Par. 7, cap. 93.*

Ratification of the Institution of the College of Justice, and that Letters be direct against the Prelates, for getting in the Contribution-Money due to the Lords of Session. *L. M. Par. 2, cap. 1.*

The Lords of Session are declared to be Judges competent to the Reduction of Intestments, albeit Confirmed in Parliament. *Jam. 6, Par. 1, cap. 18.*

Upon a Complaint by the Lords of Session, of privy Charges direct to them by the King and his Council, to forbear, stay or remit Process to the Parliament, or to stop Execution; It's declared and ordained, that the Lords proceed in all civil Causes intended before them, and cause Execute their Decrees, notwithstanding any private Writing or Command, at the instance of any Party in the contrary. *Jam. 6, Par. 6, cap. 92.*

That no Lord of Session by himself, his Wife, or Servants, take Bude, Bribe, Goods or Gear, either fra Pursuer or Defender, under the pain of Deprivation, Infamy, and Escheat of Moveables, the one half to the King, and the other to the Revealer, and the Offender's Person to be in the King's Will: That the King shall nominate to be Lords, Men fearing God, able, and having sufficient Livings of their own, who shall be tryed by a number of the Lords; and in case the Person presented, shall not be found so Qualified, the Lords may refuse him, and the King shall present another, and the President shall be chosen by the whole Senators, either of the Spiritual or Temporal Estate, and so they may also elect a Vice-President, in the absence of the Chancellor, and President. *Jam. 6, Par. 6, cap. 93.*

Ratification of all Statutes made by the Lords for Expedition, and Execution of Justice. *Jam. 6, Par. 8, cap. 139.*

That there be payed to the Lords by the Tiner of the Plea, twelve pennies per lib, where the Subject is Liquid, and five lib where it consists in *facto*, and that by the same Order as was observed in their uptaking of forty shillings of each Decree of before. *Jam. 6, Par. 11, cap. 43. (See Jam. 2, Par. 14, cap. 63.)*

The Lords are declared Judges competent to the Interpretation of the Act of Oblivion, nine Ordinaries being always present, as in the other Causes at the pronouncing of Interlocutors and Decrees. *ibid. cap. 44.*

Because the Lords of Session are appointed for the Decision of all civil Matters; therefore the King declares his mind by the Act of Parliament, that to all Vacations in the Session, he will present Men fearing God, of good Learning, Knowledge and Practique of the Laws, having sufficient Living of their own: And further, it is Statute, that no Man be received to be a Lord of the Session, unless he be sufficiently tryed, and known by the King and Lords, and having in Yearly Rent a thousand *merks*, or twenty Chalder of Victual, and be of the Age, at least, of twenty five Years compleat, otherwise his Presentation and Admission to be null. *Jam. 6, Par. 12, cap. 132.*

The Modification of Affithments, for Crimes committed since the King's Coronation, referred to the Lords of Session. *Jam. 6, par. 12, cap. 155.*

Ratification of all Privileges granted to the Senators of the College of Justice, and Members thereof, notwithstanding of any Act or Statute, Special or General, in the contrary. *Jam. 6, par. 13, cap. 170.*

Another ample Ratification in their Favours, including also the Lord Chancellor. *Jam. 6, Par. 14, cap. 211.*

To Strike, Hurt, or Slay, any Person within the Inner-Tolbooth, the time that the Lords are Sitting, declared to be Treason; and to do the same within the Outer-Tolbooth, the time foresaid, is Death. *Jam. 6, par. 13, cap. 173.*

No Lord of Session, ordinary or extraordinary, may Sit, or Vote, in any Cause, where the Pursuer or Defender, is either their Father, or Brother, or Son. *Jam. 6, Par. 14, cap. 212.* Extended to the like Degrees of Affinity: As also, where the saids Lords are Uncles, or Nephews, to the Party. *Cha. 2, par. 3, cap. 13.* See the *Act of Declinator.*

The Harvest Vacance appointed to begin the first of *August*, and that the Lords are content to Enter every Day during the Summer Session, at eight in the Morning. *Jam. 6, par. 14, cap. 213.*

That no Member of the College of Justice buy Pleas. *ibid. cap. 215.* See it in *Pleas.*

Commission to the Lords of Session, to Decide the Action of Reduction of the Forfaulture of *James Wood*, Appearan and of *Bonytown.* *Jam. 6, Par. 17.* the 5th of the unprinted Acts.

The Lords of Session declared to be the King's great Consistory, and an high supream Commission granted to them, for all Consistorial Causes; providing nevertheless, that they be still accountable to his Majesty. *Jam. 6, par. 20, cap. 6.* The Act is, *Act of the Commissioners, &c.*

Act in favours of the Lords of Session, for ten thousand *libs*, to be payed to them Yearly, out of his Majesty's Customs, which are for that end, and in so far dissolved from the Crown, and all Intrumeters with the saids Customs, are made lyable to the Lords for their better payment; and Caution is appointed to be found by the Customers for that effect, in manner set down in the Act. *ibid. cap. 11.*

The Lords of Session appointed to be Judges betwixt the Patron, the Person presented, and the Bishop, anent Pactions betwixt the Patron

Patron and Intrant, whether Simoniackal or not. *Jam. 6, Par. 21, cap. 1.*

Taxation of ten *shillings* the Pound-Land of old Extent, for the Estate of Barons, and Free-holders, and so proportionally for the Spiritual Estate, and Estate of Barons, granted to the ordinary Lords of Session for increase of their Stock, and that Yearly for four Terms or Years, beginning the first Term at *Martinmas* 1633, and the last to be *Martinmas* 1636. *Cha. 2, Par. 1, cap. 22.* General Ratification in favour of the College of Justice. *ibid. cap. 23.*

That when the Lords of Session, ordain twelve *pennies* of the *lib*, to be payed in any Decreet, the same shall not be payed by the Obtainer, and the not payment by the Obtainer, shall be no stop to the Extracting. *Cha. 2, Par. 1, cap. 26.*

The Judicial Proceedings under *English* Usurpers, before the Commissioners for Administration of Justice, who sat in place of the Lords of Session ratified; but so as any lesed thereby, may bring the same to be reviewed before the Lords of Session, within a Year after the down sitting thereof, or of the Party lesed, his attaining to Majority, if he be now Minor. *Cha. 2, par. 1, cap. 12, anno 1661.*

Ratification of all Privileges, and Acts in favours of the College of Justice, Senators, Advocates, Clerks, Writers to the Signet, and remanent Members of the same, declaring that the whole Privileges granted, and belonging to the Lords, and Senators thereof, shall belong to all the rest, in all time coming. *ibid. cap. 23.*

Twelve thousand *libs sterl.* given to the Lords by way of Assessment, for bettering of their Stock; and the Act asserts the Lords of Session to be the supreme Judges under his Majesty, in all civil Causes. *ibid. cap. 50.*

Other ten thousand *libs Scots* Yearly, beside the ten thousand *libs* granted by King *James* the sixth *Par. 20, cap. 11. (above)* given to the Lords of Session out of the Customs, and whole Sum of twenty thousand *libs* Yearly equally Secured by both the Acts, and appointed by this Act, to be payed together. *Cha. 2, Par. 1, sess. 2, cap. 7.*

Ratification of the Privileges of the ordinary Lords of Session, as to their Exemption from all Burden, imposed, or to be imposed, by this or any other Parliament, *Cha. 2, par. 2, sess. 2, cap. 8.*

Act regulating the Order of Process, and Methods of Proceeding before the Session; as also, all Advocates, Clerks, and Writers Fees, with the manner of keeping the Registers of Hornings, Inhibitions, Interdictions, Seaisins, Reversions, and others. *Cha. 2, Par. 2, sess. 3, cap. 16.*

The Summer Session suppressed and discharged, and the times of the Session Yearly, appointed to be from the first of *November*, until the last of *March*, excepting the surcease, from the twenty fourth of *December*, until the first of *January*. *Cha. 2, Par. 3, cap. 7.*

Ratification of the Privileges of the Senators of the College of Justice, and particularly of the Act, *Cha. 2, Par. 2, sess. 2, cap. 8.* in their favours. *Jam. 7, Par. 1, cap. 19.*

The former times of the Winter and Summer Session restored after the first of *November* 1636, and the Act, *Cha. 2, Par. 3, cap. 7.* rescinded, *Jam. 7, Par. 1, sess. 2, cap. 5.*

The *Christmas* Vacancy of the Session appointed from the twentieth of *December* to the tenth of *January* Yearly. *Jam.* 7, *par.* 1, *sess.* 2, *cap.* 6. but this Act rescinded, *W. and M.* *par.* 1, *sess.* 2, *cap.* 28.

The *Tule* Vacance, and all Observation thereof discharged, and that the Session, and all inferior Judicatories, proceed without any regard thereto, and the times of the Session from the first of *November*, to the last of *February*, and from the first of *June*, to the last of *July* all inclusive, distinctly defined. *W. and M.* *Par.* 1, *sess.* 2, *cap.* 22.

The Session Adjourned from the first of *June* to the first of *November* 1693, allowing inferior Courts to sit, as if no Adjournment, and that the time from the said first of *June* to the first of *November*, be deduced from short Prescriptions, and that second Summons may be given in that space, as if the Summer Session had been sitting. *W. and M.* *Par.* 1, *sess.* 4, *cap.* 11.

That when the Lords of Session Vote any Point, the Question shall be first Stated and Written *in munda*, and then Read and Voted, and that at the same Dyet, the Interloquitor be Writ upon the Process, and signed by the Lord Chancellor, or President for the time, before a *Quorum* of the Lords sitting in Judgment; declaring all Interloquitors and Minutes of Sentences, which shall not be so written and signed, shall be null, and the Writer, and Signer, incur the pain of Deprivation. *W. and M.* *par.* 1, *sess.* 4, *cap.* 18.

That the Lords of Session sit each of them his Week in the Outer House by turns, unless excused by the haill Lords, in which case he is to sit the Week thereafter; otherways they shall lose their Salary for that Session, to accresce to the Lords Stock. *ibid.*

That the Ordinary for the Outer-House go out to it so soon as his Reports are over, and sit there till twelve a Clock, without returning to the Inner-House to Judge there, in which case he may be declined; but it's declared that this extends not to the last Week of the Session. *W. and M.* *Par.* 1, *sess.* 4, *cap.* 27.

That the Lords of Session Advise and Vote with open Doors, but the Lords are allowed in some cases to remove all save the Parties, and their Procurators, and none may presume to speak after the Lords begin to Advise, unless by them desired, under the pain of Imprisonment. *W. and M.* *Par.* 1, *sess.* 5, *cap.* 27.

Act Adjourning the Session from the first of *June*, to the first of *July* 1695, in the terms of the Adjournment. *sess.* 4, *cap.* 11. *sess.* 5, *cap.* 3. *Item*, A farther Adjournment to the first of *November* 1695, *cap.* 9. *ibid.*

Grant of half a Months Cess for a provisional Addition to the Salaries of the Ordinary Lords of Session, from *November* 1698, to *November* 1700, two Years. *sess.* 7, *cap.* 14.

Act Adjourning the Session till the first Tuesday of *December*, *sess.* 9, *cap.* 1. and again to the first of *January* 1700. *cap.* 4, *ibid.* and again to the 28th of the said Month 1700. *cap.* 5, *ibid.*

Act Adjourning the Session till the first day of *July* 1702. *L. A.* *Par.* anno 1702, *cap.* 2.

Act Adjourning the Session to the first of November next. *2. A. Par. 1, sess. 2, cap. 1. anno 1704.*

Act Adjourning the Session till the first day of December 1706. *2. A. Par. 1, sess. 4, cap. 1. anno 1706.*

Act Adjourning the Session till the first of January 1707, but adding the Month of March to the sitting thereof after February next. *2. A. Par. 1, sess. 4, cap. 4. anno 1706.*

Act Adjourning the Session to the 4th of February next. *2. A. Par. 1, sess. 4, cap. 5. anno 1707.*

Sheriff, Shire, and Stewartry, see Judges.

That the Country, all or part, hearing the King's Horn, or there-to Warned, rise and follow the Sheriff in pursuit of Fugitives, the Gentleman under the pain of forty shillings, and the Yeoman under the pain of twenty shillings. *Jam. 1, Par. 6, cap. 98.*

That the Sheriff receive Persons Arrested by the Crouner, and keep them in Firmance to the Justice-Air, upon the Parties own Expences, or if they have it not, upon the King's, at three pennies per diem, and if the Sheriff failzy, that he be lyable as a Borgh. *Jam. 3, Par. 14, cap. 101.*

That the Sheriff and Crouner should thole an Affise, the last day of the Justice-Air. *ibid. cap. 103. See Crouner.*

The Sheriff discharging unlawful Convocation of the Leidges, and disobeyed, may cease the Court that day, and Complain of the Disobeyers to the King. *ibid. cap. 104.*

Sheriffs, Stewarts, and Baillies, and other Officers, should Execute all Decrees, and their Fees appointed to be twelve pennies of each lib. *Jam. 4, par. 3, cap. 30.* The Act is, *Of the Defender not Compearing, &c.* And that whether they be Sheriffs ordinar, or in that part, and to be payed by the Debitor. *Jam. 4, par. 6, cap. 66.*

That there be a Sheriff appointed for Ross, and another for Caithness. *Jam. 4, Par. 6, cap. 61.*

That Culross and Tulliallan, come to the Sheriff-Court and Justice-Air of Striviling; and a further particular Division of Shires made in the Act. *ibid. cap. 76.*

But this Division ordained to be only for Justice-Airs, and not for Sheriff-Courts. *Jam. 4, Par. 7, cap. 101.*

That Sheriffs, Stewarts, or Baillies, giving Seasin on Precepts furth of the Chancellary, Writ the Day and Year thereof, and bring the same to the Exchequer, (See Seasin) and this Act to be made, because Vassals are hurt by the lying out of their Over-Lords unentered. *Jam. 4, Par. 6, cap. 89.*

That Sheriffs cause Proclaim the Names of all Denounced and Registrat at the Horn in his Books, upon the Mercat days, preceeding the three Head-Courts, and that the Catalogue of them be affixed on the Mercat-Cross, and in the Tolbooth, that they may be repelled *ab agendo*, and that within fifteen days thereafter, they send their Names to the Thesaurer, that their Escheats may be taken

ken up. *Jam. 6, Par. 6, cap. 75.* The Act is, For punishment of Persons that contemnantly ly at the Horn, &c.

That the Sheriff Charge himself with, and make Compt of all Escheats intromitted with by him, within his Jurisdiction. *Jam. 6, par. 11, cap. 75.*

That the Sheriffs give in Yearly, at the beginning of the Session to the Lords, the Names of the Deputes and Clerks, they mind to make use of for that Year, and that they be Charged to find Caution: Burgeses dwelling in *Edinburgh*, Acted in the Books of Council, that they shall Yearly make due Compt and Payment in Exchequer. *Jam. 6, par. 11, cap. 81.* Ratified, *Cha. 2, Par. 1, sess. 3, cap. 15.* The Act is, For inbringing of his Majesty's Rents.

That Sheriffs and all Judges ordinary to Burgh, or to Land, within Regality or Royalty, be diligent to know the Laws, and put the same to Execution, specially in searching, pursuing, and warding Traitors, and Rebels, as they will answer at their Peril, under the same pains incurred by the Traitors: As also, in searching and apprehending of Sorners, Vagabounds, strong Beggars, and Egyptians: As also, in giving Extracts of Seafins and Retours, at reasonable Prices, in bringing their Books and Compts yearly to the Exchequer, and that they find Sovery for doing these things, and send in their Deputes and Clerks Yearly, the first of *November*, to the Lords of Session, to be Examined and Admitted, under such pains as the Lords shall modify, wherein if they failzy, that they be Denounced, and all the Leidges exempted from their Jurisdiction. *Jam. 6, Par. 12, cap. 126.*

The Office and Duty of Sheriffs, transiently summed up. *Cha. 2, Par. 1, sess. 3, cap. 15.* The Act is, Act for inbringing of his Majesty's Rents.

Act for enlarging the Shire of *Kinross*, and disjoining it totally from the Shires of *Fiffe* and *Perth*, and placing its particular Register of Seafins, &c. at the Burgh of *Kinross*. *Jam. 7, par. 1, cap. 45.*

The Burgh of *Greenlaw*, declared to be the Head Burgh of the Shire of *Berwick*, and that all Publications, and Executions ordered to be made at the head Burghs of Shires, to be made at the Sheriff-Court kept there. *W. Par. 1, sess. 6, cap. 16.*

That all Proclamations and Executions formerly used at *Tapalta* of *Down*, be made at the Mercat Cross of *Down*, in the Stewartry of *Montcith*. *cap. 34. ibid.*

Sheriff-Clerk.

That the Sheriff-Clerks, come to the Exchequer with the Sheriffs, and bring their Books subscribed with their Hands. *Jam. 5, Par. 6, cap. 79.* To remain in the Register. *Jam. 6, par. 11, cap. 64.*

That Sheriff-Clerks Books, be marked by the Register, as other Notars Books, and that the Authentick Copies be reported Yearly, to remain in the publick Register, and that they be answerable for this Yearly in Exchequer, under the pain of Warding and Horning. *Jam. 6, Par. 15, cap. 275.*

That

That Sheriff-Clerks present their Registers to the Clerk-Register, to be marked by him and his Deputes: And that all Registrations subscribed by them, and Extracts thereof shall specify the leaf where-in the same are Registrate, under the pain of a hundred *merks toties quoties*, to the Clerks omitting the same: But prejudice of Hornings, which the saids Clerks neglect shall no ways make invalid. *Jam. 6, Par. 16, cap. 21.*

Ship, *see* Merchant, and Navigation.

That Ships breaking here, the Ship and Goods be Escheat to the King, if they be of a Country keeping such a Law, but if not, that they have such favour as is there shewn. *Jam. 1, Par. 9, cap. 124.*

That no Ship be Fraughted without a Charter-Party, whereof the Points are, what the Master of the Ship shall furnish to the Merchant, that in case of debate betwixt them, they underly the Jurisdiction of the Burgh whereto the Ship is Fraughted: That Goods be not spilt by ill Stolling, that no Goods be shorn or stricken up: That the Master sure no Goods on his Over-loft, or if he do, these Goods pay no Fraught, nor do the Goods beneath Scot or Lot with them, in case they be casten: That every Ship exceeding five Last of Goods, pay to the Chaplain of the Nation a Sack Fraught, and if within five Last, the half of it, under the pain of five *libs*: And that no Drink-Silver be taken by the Master, and his Doers, under the same pain, and homeward a Tun Fraught to the Kirk-Work of the Town that they are Fraughted to. *Jam. 3, Par. 2, cap. 14.*

This Act ratified, and that no Goods be Sured on the Over-loft, nor the Merchants Goods stricken up, nor spaked, nor riven, under the pain of twenty *libs* to the King. *Jam. 3, par. 14, cap. 109.*

That no Ship be Fraughted outward with Staple-Goods, from *Simon and Jude's Day*, till the *Candlemass*, under the pain of five *libs*. *Jam. 3, par. 2, cap. 15.* and *Jam. 5, Par. 4, cap. 25.* where the pain is raised to twenty *libs*, and *Jam. 4, Par. 2, cap. 14.* where the time prohibite, is from *Hallowmass* to *Candlemass*, excepting that any Goods may be sent forth in the time foresaid, in Ships that bring in Salt or Wine. *Jam. 5, Par. 4, cap. 25.*

That no Ships pass forth of the Realm, without the Kings Cocquet. *Jam. 6, Par. 2, cap. 40.* See *Cocquet*.

Ships reckoned amongst Goods-moveable. *Jam. 6, Par. 4, cap. 56.* The Act is, *Salt should not be Transported.*

That all Ships be Victualled within free Burghs and Ports, at the sight of the Magistrates, and Customers there, and marked by them; and if any more be found, that it be Confiscate. *Jam. 6, Par. 5, cap. 67.* The Act is, *Act anent the carrying Flesh forth of the Kingdom in Ships, &c.*

That all Ship-Masters have a Testificate from the nearest Magistrates, for all his Passengers imported or exported, under such punishment as the Council shall please to inflict; and this Act to continue

cinue during his Majesty's pleasure. *Jam. 7, par. 1, cap. 27.* But rescinded *W. and M. Par. 1, sess. 2, cap. 28.*

That all foreign Ships arriving in this Kingdom, pay twenty four *shillings per Tun*, except such as come for, and actually export Coal, which are to pay eight *shillings per Tun*; and that this with the four *shillings per Tun* on our own Ships, continue for five Years from this date, 1st of September 1698. *W. Par. 1, sess. 7, cap. 18.* The Act contains a Destination with an Exception of the *African Companies Ships.*

Act imposing twelve *shill. Scots per Tun* for each Voyage, of all Ships and Vessels not belonging to Persons in *Scotland*, and coming to any Port or Rode within the Kingdom, and there breaking Bulk above an hundred *libs Scots* value for Provisions; and this Imposition to endure for five Years, after the 1st of September 1704, and to be uplifted and applied as in the Act. *2. A. par. 1. sess. 2, cap. 8. anno 1704.*

Shooting, see Guns. Signet.

That all Letters passing under the Signet of the Session, be subscribed by a Writer to the Signet, except Letters of Diligence before the Session, and of Citation before the Parliament, which are to be subscribed by the Clerks of Session. *W. and M. Par. 1, sess. 5, cap. 40.*

Signature.

The Date of Signatures should be filled up, with the Hands of the Thesaurer, Collector, Comptroller, Thesaurer of new Augmentations, and Secretary, or their principal Clerks, and bear on the back the Date of the Registration; and siclike the date of the Signetting, Writing to, and passing the Privy Seal, should be marked, and the tryal or Ante-dates not to be received but on great Adminicles, and a great Sum consigned, and by the Writers, principal Officers, their Deputes, or Clerks, Writers to, and Keepers of the Seals, and no others, and the Falshood, if found, to be punished with the pains of Falshood, and lese Majesty, and three Parts of the Lands and Goods Forfaulted to belong to the King, and the fourth to the Party injured. *Jam. 6, par. 12, cap. 135.*

That no Signatures or Letters, be presented to his Majesty, but by his ordinary Officers, unto whose Offices they properly belong, otherwise the saids Officers are commanded, under their highest Peril to stop the same, and the said stopping shall be repute good Service. *Jam. 6, Par. 10, cap. 20.*

Ratified, and that the saids Officers cause Register the Doquet of the saids Signatures in a Register, and send the double thereof to his Majesty's Secretary under their Hands, that he may give his Majesty notice of all prior or different Deeds. *Cha. 2, p. 1, sess. 1, cap. 60.*

Simony.

Any Condition made by the Intraunt with the Patron, reserving to the Minister a sufficient Maintenance answerable to the State of

the Benefice, is declared not to be Simoniackal; and the Lords of Session are appointed Judges in this Matter. *Jam. 6, Par. 21, cap. 1.*
See Patron.

Singing, *see* Musick.

Silk, *see* Forbidden Goods to be Imported.

Skin and Birn.

That Beef, Mutton, and the like, be presented to the Mercat, with the Hide, Skin and Birn, under the pain of Escheat thereof. *2. M. Par. 9, cap. 85.*

Skinners.

Act in favours of Skinners, that no wild Skins with the Hair be exported, but first made in Work; and that no Gloves be imported, both under pain of Confiscation, half to the King, and half to the Informer, and a Fine to be imposed by the Exchequer: And it's declared that the Act 1661, for Manufactories, is not to prejudice the Skinner Craft, and Incorporation in any Burgh. *W. and M. Par. 1, sess. 5, cap. 36.*

Slaughter.

Where ever Slaughter is committed in Royalty, Regality, or Burgh, the Sheriff should pursue the Slayer while he be taken, or put out of the Shire, and in this case advertise the next Sheriff, or Lord of Regality, or his Bailly, who shall do the like Diligence, and so forth, until the Slayer be taken, or put out of the Realm; and that the Slayer when taken, be sent back to be tryed, to the Sheriff where the Deed was done, and if the Deed be found to be forethought Felony, the Slayer shall die for it: In case the first Sheriff apprehend the Slayer, that he put him in sicker Fastness, and the Law to be done within forty Days at the furthest, and if it be Red-hand, within that Sun. *Jam. 1, Par. 6, cap. 90.*

The same renewed, and extended to Dememoration, as well as Slaughter. *Jam. 4, Par. 3, cap. 28.*

And in case of Escape, that the respective Sheriffs denounce the Slayer Fugitive, and forbid his Harboursing, Reset or Help, under the pain of Life and Goods. *Jam. 1, par. 6, cap. 91.*

And these Acts *Jam. 1, par. 6, cap. 89, and 90.* Ratified, and that the Sheriffs Negligence be in the King's Will, and removed for three Years. *Jam. 3, Par. 5, cap. 35. and Jam. 5, par. 7, cap. 97.*

If a Man be Slain in the Barony, that the Slayer be Arrested, and the Law done by the Baron, if he have Power, otherways he shall send him to the Sheriff; but if he escapes unarrested through sloth, or favour of the Baron, the Baron shall pay twenty *libs*, or he and his Officer imprisoned, and at the King's Will. *Jam. 1, Par. 6, cap.*

That the Officers in Burghs arrest the Man-slayer in like manner. *ibid. cap. 93.*

If the Sheriff, or Minister of the Regality, ministers not the Law, and this may be proven by an Assize, or Witnessing of worthy and true Men, three, four, or more, that then he be Imprisoned forty Days, and pay forty *libs* to the King, and the Croy to the nearest of Kin of the Slain. *ibid. cap. 94.* But probably the Act should say, If any Sheriff or Minister of the Royalty, &c. and so the Title should be changed, as appears by the next Act.

That the Lord of Regality wilfully Negligent, be punished in like manner; and if the Minister of the Regality fail, he shall be punished by his Lord, as the Sheriff by the King, and Aldermen and Baillies in Burghs, to be punished by the King's Justice. *ibid. cap. 95.*

Where the Committer of Slaughter flees to Girth, See *Jam. 3, par. 5, cap. 36.* in Girth. See also *Forethought Felony.*

That if the Manslayer be put to the Parties Horn, he shall not be Relaxed, or have Dilators of forty Days, but upon sufficient Citation, and if he then failzy to compear, that he be put to the King's Horn, and his Goods Escheat. *Jam. 3, par. 6, cap. 42.*

That the Man-slayer charged by the Sheriff personally, or at his Dwelling-house, and at the Mercat-Cross of the head Burgh of the Shire, where the Slaughter is committed upon six Days, to find Caution, and disobeying be Denounced, and his Goods Escheated, and Intimation made to the next Sheriff. *Jam. 3, Par. 14, cap. 100.* See *Relaxation.*

Soap, and Soap-Works.

Oyl, Pot-ashes, and all other Materials for Soap-Works, and Soap making, and all Soap made within the Country, declared free of Custom and Excise, and other publick and private Dues whatsoever: As also, all Soap so made, and exported, to be free for nineteen Years after the setting up of the saids Works, and after the date of this Act, for such as are already set up. *Cha. 2, Par. 1, sess. 1, cap. 48.*

Sorners.

That no Man ride or gang with more Men, nor may suffice, and for whom he will make payment. *Jam. 1, Par. 1, cap. 5.*

That no Companies pass in the Country, and ly on the King's Leidges, or Thig or Sojourn Horse on them, under the pain of Assisting the King, and Party Complainer. *ibid. cap. 7.*

That Inquisition be made by all Judges against Sorners, masterful Beggars, Bards, and made Fools, to be punished by Imprisonment, so long as they have of their own to live upon, and fra they have not, by Nailing their Lug, Cutting off their Ears, and Banishment, and if they be found again, that they be Hanged. *Jam. 2, par. 6, cap. 21.*

That Sorners be punished forthwith by the Justices, as Thieves or Reivers. *Jam. 2, par. 11, cap. 45. Ratified, Jam. 3, Par. 10, cap. 78.*

That in all Justice-Airs, Inquisition be taken of Sorners, Bards, and feigned Fools. *Jam. 2, Par. 14, cap. 79.*

Spears.

That in all, Spears be six Elms in length, under the pain of Escheat of the Spears, and the Maker or Home-bringer, to be in the King's Will. *Jam. 3, Par. 6, cap. 44.*

That Spears be five Elms and a half in length. *Jam. 3, Par. 11, cap. 81.*

Spulzy.

That in open and publick Rieffs and Spulzies, the Sheriff cause the Spulziers or Resettlers make Restitution, and Arrest both them and the Goods to the Law, and if they disobey, Denounce them; and if the Sheriff refuse, that he be demanded by the Lieutenant as the Spulziers should have been. *Jam. 2, Par. 5, cap. 9.*

And this Act to be fulfilled by the Lords of Regalities also, with assistance of the Lord of the Ryal, and if need be, and if the Lords of Regality fail, the Sheriff may fulfil it within the Regalities. *ibid. cap. 10.*

The Spulzy being proven, whether the Spulzier compear or not, the spulzied Goods should be restored, his Expences payed, and also the King's Unlaw. *Jam. 2, Par. 6, cap. 19.*

Summonds of recent Spulzy should be Execute upon fifteen Days. *Jam. 4, par. 6, cap. 65. See it in Summonds.*

That for a Depredation, Rieffs and Spulzies, particular Justice-Courts may be set at the discretion of the Lords of Session, the Matter being first civilly decided. *Jam. 5, Par. 4, cap. 34. The Act is, The Crowner may Arrest Fugitives, &c.*

In case of Theft and Rieff by broken Borderers, or Highlanders, the Party may pursue for his Skaiths, to be modified by his own Oath, either before the Lords of Session, or the Justices, whereupon Execution shall pass against both the Principals, and their Soverities. *Jam. 6, Par. 11, cap. 34. See Clans and Highlands.*

Stalker, see Wild-Beasts.

Stalkers, Slayers of Deer, shall pay fourty shillings to the King; and their Holders ten *libs*, and this to be Point of Dittay. *Jam. 1, Par. 2, cap. 36.*

Stanck.

That none take Fish out of others Stancks, under the pain of Dittay and Theft. *Jam. 3, Par. 7, cap. 60. See it with the Acts following in Theft.*

That

That Lords or Lairds make Parks, Stancks, Cunningars, Dow-cats, and Orchards. *Jam. 4, Par. 6, cap. 74. See it in Planting and Policy.*

Stealing, *see* Theft.

Steward, *see* Judge *and* Sheriff.

Stirling-Burgh.

Act for clearing the Passage through the *Mary-Wynd* in the Burgh of *Stirling*, by taking down the Forestairs, and Out-shots. *2. A. par. 1, sess. 4, cap. 12, anno 1707.*

Stranger.

That Strangers selling Merchandise for Money within the Realm⁷ either wair their Money for Penny-worth, or pay the Custom of *fourty pennies per lib.* *Jam. 1, Par. 1, cap. 16.* Strangers Merchants, coming in the Realm with Victual and other leifful Merchandise, should be honourably and favourably Treated, and not troubled with Arrestments, and after Entry made, the King should be first served, and then the Lords of his Council, according to the Price agreed with the Merchants, and the rest sold freely. *Jam. 3, par. 10, cap. 72.* Ratified and enlarged, and that the King and his Lords be first served for good and thankful Payment. *Jam. 3, par. 14, cap. 114.*

Students, *see* University.

Studes, *and* Stude-Places.

That Studes, and Stude-Places be furnished with Meirs and Stalls. *Jam. 5, Par. 4, cap. 119.*

Subscription.

That Writs under Seal, without the Subscription of the Party, and Witnesses, or an Notar for the Party, if he cannot Writ, make no Faith. *Jam. 5, par. 7, cap. 117.*

That all Writs of Heretage, or of Importance, be subscribed and sealed by the Party, or if he cannot Writ, by two famous Notars, before four famous Witnesses well designed, and present at the time, or otherways the saids Writs to make no Faith. *Jam. 6, Par. 6, cap. 80.*

But this Act, as to Sealing, is declared not to be understood of Writs bearing Registration, a consent to the Registration being a greater Solemnity, and the due subscribing thereof sufficient: And notwithstanding of the said Act, one Notar with a sufficient num-

ber of honest Witnesses is declared to be sufficient in Instruments of Seisin. *Jam. 6, Par. 9, cap. 4.*

Noblemen and Bishops only, are allowed to subscribe by their Titles, and all others should subscribe by their Names and Surnames, and may if they please adject their Designation of, &c. such a Place, otherways they may be punished by the Council, upon Information of the Lyon, and his Brethren. *Cha. 2, Par. 2, sess. 3, cap. 21.* The Act is, *Concerning the Privilege of the Office of the Lyon King at Arms.*

Succession, see Testament.

Act asserting the Right of Succession to the Crown of Scotland, to devolve immediately according to the Proximity of Blood, and that no difference of Religion, or Law made, or to be made can alter, or divert the said Right, nor stop, or hinder the Successor, in the full, free and actual Administration, according to the Laws of the Kingdom; and that it is high Treason, by Writing, Speaking, or any other manner of way, to endeavour the Alteration, Suspension, or Diversion of the said Right, or to debar the lawful Successor, from the immediate, actual, full and free Administration of the Government, conform to the Laws of the Kingdom. *Cha. 2, par. 3, cap. 2.*

Swearing.

Particular pains ordained against profane Swearers, with gradual Augmentations, and ending in Banishment. *L. M. par. 5, cap. 16.*

Ratified, with an Augmentation of the Pains, and that Magistrates to Burgh, and Landwart, appoint Censors in publick Mercats, and Fairs, with Power to exact the saids Pains, and that Householdors delate Offenders within their Houses, under the pain to be esteemed as Offenders themselves. *Jam. 6, par. 7, cap. 103.*

Ratification of all Acts made against Swearing and Cursing: And further, that who shall Blaspheme, Swear or Curse, shall pay, the Nobleman twenty *libs*, the Baron twenty *merks*, the Gentleman Heretor or Burges ten *merks*, the Yeoman fourty *shillings*, the Servant twenty *shillings toties quoties*, and the Minister the fifth part of his Stipend, to be applied as in the Act, anent Justices of Peace, and the Insolvent to be punished in their Persons. *Cha. 2, Par. 1, sess. 1, cap. 19.* Ratified *Cha. 2, Par. 2, sess. 3, cap. 22.* See it in *Profaneness.*

Summons.

The Summoner may make his Rehearse in Court by Writ of Tongue, keeping the six Terms of Summons; and he must have sufficient Witnesses of divers Baronies, who shall swear in Court the truth of the Summons. *Jam. 1, Par. 9, cap. 113.*

The order of Summonding Persons, Continuations, and their Fines, with the manner of putting the Pursuer in Possession of their Lands and Goods, after three Dyets, and their Recovery thereof; and if the Party be Condemned, that his Lands and Goods be Recognized in the King's Hands, and if he has none, then shall he be Out-lawed, and put to the Horn. *Jam. 2, Par. 6, cap. 29. (these are old Forms.)*

Summons peremptor before the King and Council, abridged to twenty one Days. *Jam. 3, par. 1, cap. 6.*

In Summons of Error, the Members of Inquest should appear Personally, because it may depend on their Infamies, and the Summons proceeds, whether the Party called for his Interest compear or not, and the Pursuer of this Summons not Insisting, pays the Expences of the Party, and an Unlaw of fourty shillings, and so in other Summons. *Jam. 4, par. 3, cap. 35.*

Summons of recent Spulzy, if raised within fifteen Days, after the committing of the Spulzy, may be made on fifteen Days, and no Dilator to be admitted, if the Summons be lawfully Indorsed. *Jam. 4, par. 6, cap. 65.*

Summons privileged, are recent Spulzies, Calling of Letters, Redeeming of Lands, Acts of Adjournal, Actions of Tinsel against Superiors, Reductions of inordinate Process before the Sheriffs and Baillies, and retreating and transferring of Decrees, except Letters that concern Horning, which shall have Process at all Times. *Jam. 5, par. 5, cap. 44. See Session.*

A Person being Summoned eight Days before he go forth of the Realm, if it be not *reipublica causa*, the Process goes on against him, as if he were not forth of the Realm, upon Warnings at his Dwelling-place, or if he has none, or has not left a Procurator, at the Mercat-Cross of the head Burgh of the Shire, where he most resorted of before; and this to have place in civil Acts only, but not against Witnesses. *2. M. Par. 6, cap. 32. See Executions.*

Act and Letters of Continuation discharged, and that in lieu thereof, all Summons in use to have been continued, contain two Dyets, and be directed to Sheriffs, and Messengers respective, and be Execute to the first Dyet, and after elapsing of the Days of the first Citation, to the second Dyet, in the same manner, and with the same effects, as Summons, Act, and Letters were used formerly. *Cha. 2, par. 2, sess. 3, cap. 6.*

But notwithstanding this Act, Citations for the first and second Dyet, allowed to be given at the same time, providing it be done by a Messenger as formerly in use. *Item, That all Copies of Summons, and of all other Letters given to Parties, bear at length, and not in figures, the Day of the delivery, with the Names and Designations of the Witnesses, as in the Execution, certifying the Messenger omitting, that he shall incur Deprivation. W. and M. Par. 1, sess. 4, cap. 12.*

Sumptuary Laws, *see* Apparel.

Suppe-

Superior.

That Superiors charged by their Vassals upon forty days, enter to their Superiorities, otherways tine the same for that Vassals lifetime, and must assist his Skaith, and the Vassal is to be entered by the next Superior. *Jam. 3, Par. 7, cap. 51.*

That the Mails and Duties of Lands pertaining to Vassals that have been Year and Day at the Horn, return again to the Superiors, for the Vassals lifetime, except in Crimes of Treason, and Lese-Majesty. *Jam. 5, Par. 4, cap. 32.*

Superiorities of Kirk-Lands, *see*
Kirk-Lands.

Supersedere.

All Supersederes, or Licences granted by the King to Persons at the Horn forbidden and declared null and void. *Jam. 6, Par. 11, cap. 47.*

Superstition, *see* Pilgrimage and Religion.Supply-Royal, *see* Annuity,
4000 Pounds sterl.

Act of Convention for a Supply to his Majesty of ten hundred thousand *merks*, to be raised in five Years by way of Taxation, Act of Convention. 4th of *August* 1665.

Act of Convention for a Supply to his Majesty of a twelve Months Cess, being seventy two thousand *libs per Menssem*, in all eight hundred and sixty four thousand *libs*. Act of Convention. 23d of *January* 1667.

Act for a Supply to his Majesty of three hundred and sixty thousand *libs*, to be raised by way of Assessment, at the Terms in the Year specified in the Act. *Cha. 2, Par. 2, sess. 2, cap. 3.*

Act for a Supply to his Majesty of eight hundred and sixty four thousand *libs*, to be raised by way of Assessment, and payed at four Terms, *Lambmass* 1672, *Candlemass* and *Lambmass* 1673, *Candlemass* 1674; and that no Man be obliged to produce Discharges thereof after the second of *February* 1681: And a Retention is granted of a sixth part of Annualrents, from *Martinmass* 1672, to *Martinmass* 1673, for ease of the Heretors and Land-Rent. *Cha. 2, par. 2, sess. 3, cap. 4.*

Act of Convention for Supply to his Majesty of twenty five Months Cess, being eight hundred thousand *libs*, to be raised in five Years, five Months Yearly, beginning the first Term at *Martinmas* 1678. Act of Convention 28th *July* 1678.

Act and Offer of a new Supply to his Majesty, by continuation of the saids five Months Cess *per Annum*, for other five Years, after the Term of *Martinmas* 1683 *inclusive*, and that none be obliged to produce Discharges of this Supply, after the tenth of *June* 1691, and that Heretors for their Relief, may Tax the Inhabitants upon their Ground, as in the Act, and the Order of Uplifting, and Quartering for this Cess, is set down in the Act. *Cha. 2, Par. 3, cap. 3.*

Act of Supply of eight Months Cess Yearly, to King *James* the seventh during his life, commencing from *Whitsunday* 1685, and so forth, and a Pole allowed to the Heretors lyable in payment for their Relief. *Jam. 7, Par. 1, cap. 13.* But this Liferent-Cess, is declared to be extinct and not due, by the 32d Act of the Convention of States *anno* 1689, Imposing of new four Months for the Term of *Whitsunday* that Year.

Act for better inbringing the Supply, given to his Majesty in the Convention 1678. *Item*, Statuting that Cess bear Annualrent after six Months, from its falling due, and the number of six Foot, allowed by the Act 1611, to be imployed in Quartering for each 1000 *libs* of Deficiency, augmented to fifteen, and how and for what time Quartering-Money is to be exacted. *Jam. 7, Par. 1, sess. 2, cap. 2.*

Act for raising a Supply of twenty eight Months Cess to their Majesties, bearing the ordinary Powers to the Commissioners: As also, Power to rectify Valuations, and it is ordained, that there be a Valuation of the Shire of *Berwick*, because it hath none, and that in the mean time they pay as formerly. *W. and M. Par. 1, sess. 2, cap. 6.* *Item*, A Pole allowed to the Heretors lyable in payment for their Relief. *cap. 9, ibid.* Additional Supply of the sixth part of all free Annualrents, to be payed by the Debitor. *cap. 10, ibid.* But this altered and abrogate. *W. and M. par. 1, sess. 3, cap. 2.* By which Act, three Months Cess, with the Hearth-Money, at fourteen *shillings* *per* Hearth, is given in lieu thereof: As also, Debtors for their Ease, are allowed to retain the sixth part of their Annualrents, for the *Martinmas* and *Whitsunday* hereafter, and it is declared to be Usury not to Grant this Retention. *W. and M. Par. 1, sess. 3, cap. 2.*

Act for a new Supply of ten Months Cess and an half, to be uplifted at three Terms. *W. and M. Par. 1, sess. 4, cap. 2.*

Act for six Months Supply at two Terms, *Lambmas* 1695, and *Cand'emas* 1696, and Retention of one *per cent* of Annualrents, granted from *Whitsunday* 1695, to *Whitsunday* 1696. *sess. 5, cap. 7. ibid.* *Item*, Three Months more added, payable at *Lambmas* 1696, as above. *cap. 29. ibid.*

Act for eighteen Months Supply payable at nine Terms, from *Martinmas* 1696, to *Martinmas* 1698, both *inclusive*, and Retention as above granted, from *Martinmas* 1696, to *Whitsunday* 1698. *sess. 6, cap. 1, ibid.*

Act for sixteen Months Supply, payable in eight Terms, from *Martinmas* 1698, to *Martinmas* 1700, both *inclusive*, and Retention

tion of a twelfth part of the six *per cent*, given to each Debitor during the saids two Years space. *sess. 7, cap. 1.*

Act for twelve Months Supply, being six Months Yearly, from the first of *December* 1700, to the first of *December* 1702, with the Parliaments Consent to the keeping up 3000 Men for that time, and allowing Retention to Debtors, of the twelfth part of the six *per cent* for the said time, *viz.* from *Martinmas* 1700, to *Martinmas* 1702; and this Cess strictly destinate to the pay of the Forces. *Item*, This and all the foregoing Acts, provided that none be obliged to produce their Discharges after three Years, from the Terms of payment, unless Diligence be done by Denunciation within three Years. *sess. 9, cap. 19.*

Act for a Supply of ten Months and an halves Cess, to be payed at the rate of seven Months in the Year upon the Land-Rent, allowing Retention of the 12th part of six *per cent* of Annualrent as formerly.

Q. A. Par. anno 1702, cap. 6,

Act for a Supply of six Months Cess upon the Land-Rent, *viz.* two Months, the 1st of *September* next, two Months at *Candlemas* next, and two Months at *Whitsunday* 1705, allowing Retention as above.

Q. A. par. 1, sess. 2, cap. 4, anno 1704.

Act for a Supply of seven Months Cess on the Land-Rent, *viz.* two Months at *Martinmas* 1705, two at *Candlemas*, two at *Lambmas*, and the seventh at *Martinmas* 1706, for the ends mentioned in the Act, and allowing Retention from *Martinmas* 1705, to *Martinmas* 1706, as formerly. *Q. A. Par. 1, sess. 3, cap. 7, anno 1705.*

Act for 2 Months Cess to Mrs. *Jean Ramsay* Daughter to Lieutenant General *Ramsay*, to be payed by equal parts in four Years, beginning the 1st Year at *Candlemas* 1707, and so forth. *Q. A. Par. 1, sess. 3, cap. 8, anno 1705.*

Act for a Supply of eight Months Cess, to be payed at the Terms in the Act, whereof the last Term is *Candlemas* 1708, allowing Retention from *Martinmas* 1706, to *Martinmas* 1707, as formerly. *Q. A. par. 1, sess. 4, cap. 2, anno 1706.*

Supremacy, *see* King.
Suspension, *see* Minister, *and*
Vacant-Stipend.

That no Suspension be past against Bishop, Minister, or Master of University or College, of any Charge for their Dues on special Decrees, except upon Production of Discharges, or upon Consignation; and if the Rent charged for be Victual of a hundred *merks* for each Chalder, but prejudice of a higher Modification at the discussing: And that Bills of Suspension of general Letters, the time of Session, be first shewed to the Charger, and if either the Charge of Suspension be found Malicious, the Lords of Session may modify a 5th part of the Sum for Expences. *Cha. 2, Par. 2, sess. 1, cap. 6.*

That

That in discussing of Suspensions, the Lords of Session declare, whether the Suspension, (and so of the Charge) was Calumnious or not; in which case they are to decern for the whole Expences and Damages given up in a particular Accompt, and Deponed upon by the other Party, without defalcation. *W. Par. 1, sess. 6, cap. 22.*

Synod Diocesane, *see* Kirk, and Ministers.

Synod National.

Act anent the Constitution of a Synod National, whereby his Majesty hath the Power of Proposing by the Arch-Bishop of St. *Andrews* President, by himself, or his Commissioners, and no Act to be valid, unless agreed to by the President and major Part, and unless it be consistent with his Majesty's Prerogative, and the Laws, and be confirmed by his Majesty, or his Commissioner. *Cha. 2, par. 1, sess. 3, cap. 5.*

T.

Tack, and Tacksman, *see* Tenant.

That Tacks being set to Labourers, the Takers shall remain therewith, unto the Ish of the Terms thereof, for the Mail they took them, to whose hands soever the Lands come. *Jam 2, Par. 6, cap. 17.*

But who takes Lands in Wadset, syne for Mail, long time after the Land be quite out for half Mail, or thereby: That these Tacks be not kept after the out-quiting, unless they be set for the very Mail, or thereby. *ibid. cap. 18.*

How, and for what Years and space, Beneficed Persons may set their Benefices, and Fruits thereof. *See it in Beneficed Persons.*

Tailzies.

Act allowing Tailzies to be made. with the ordinary irritant and resolute Clauses expressed in the Act, providing the same be insert in the Procuratories of Resignation, Chartors, Precepts, and Instruments of Seisin, and that the Tailzy be produced, and a Record made of the Maker, Heirs of the Tailzy, Lands or Baronies, Provisions and Conditions, and Irritancies in a particular Register, to be kept for that effect, and which Provisions and Irritancies, are to be Reported in all after Conveyances, in which case the said Tailzies are declared to be Real and Effectual, not only against the Contraveener and his Heirs, but also against Creditors, Adjudgers, and singular Successors, and the omitting to repeat in the said after Convey-

ances.

ances is declared to be a Contravention, against the Omitter and his Heirs, but not against Creditors and singular Successors, but nothing in this Act is to prejudice his Majesty, as to Confiscations or Fines for Crimes, nor Superiors as to their Casualties; nor are these Fines or Casualties to import any Contravention. *Jam. 7, Par. 1, cap. 22.*

Tallow.

That no Tallow be had out of the Realm, under the pain of Escheat of it. *Jam. 1, Par. 2, cap. 32.*

And further of all, the Owner's Moveables, as also, of the Moveables of the Master, or Skipper of the Vessel that receives it. *Jam. 5, Par. 7, cap. 123. and 2, M. Par. 6, cap. 40.*

That none melt, rind, nor barrel Tallow, under the foresaid pain. *Jam. 5, Par. 7, cap. 123. See Forbidden Goods.*

Tavern.

That no Man in Burgh, be found in Tavern or Ale-house, after the stroke of Nine, and the Bell ringing, under the pain of Warding; and the Aldermen and Bailties negligent in this, to be Fined by the Chamberlain in fifty shillings. *Jam. 1, Par. 13, cap. 144.*

Taxation, see Supply.

Order for speedy inbringing the Taxations then granted, and found that the King could not grant Discharges of that Taxation, being granted by the three Estates, to the Ambassador for his Marriage. *Jam. 4, Par. 2, cap. 9.*

An Taxation of two hundred thousand *merks* granted to the King, and proportioned thus, the Sum of an hundred thousand *merks*, by the Spiritual Estate, the Sum of sixty six thousand, six hundred and fifty six *merks*, eight shillings ten pennies, by the Barons and Free-holders; and the Sum of thirty three thousand, three hundred thirty three *merks*, four shillings six pennies, by the Burrows; and the Burrows part as here stated, is tax to forty shillings upon the Pound-Land of old Extent; and the Act contains at length the form and manner of uplifting it. *Jam. 6, Par. 15, cap. 278. anno 1587.*

Another Taxation granted to his Majesty, of thirty shillings the Pound-Land of old Extent, termly for four Terms, for the Barons and Freeholders, and the Spiritual Estate; and the Burrows to pay their parts of the said Taxation, effeirand to the said Tax upon the Barons: As also, an extraordinary Taxation of the twenty penny of all free Annualrents for four Years. *Jam. 6, Par. 23, cap. 2. anno 1621.*

As anent the Collecting and Inbringing of this Taxation and Relief of Prelates. *ibid. cap. 3.*

A Taxation granted to his Majesty, of thirty shillings the Pound-Land of old Extent, termly for six Terms or Years, for the Barons and Freeholders, and so proportionally for the Spiritual Estate, and

Estate

Estate of Burrows, beginning the first Term or Year at *Martins* 1634, with an extraordinary Taxation of the sixteenth penny of all free Annualrent Yearly, the saids six Years. *Cha. 1, par. 1, cap. 1. 28th June 1633.*

Act anent the Collecting and Inbringing of this Taxation, and for the Relief of Prelates. *ibid. cap. 2.*

Supply to his Majesty, of ten hundred thousand *merks*, to be raised in five Years, by way of Taxation. Act of Convention 4th *August* 1665. See *Supply*.

Teind, and Teinding, see Plantation of Kirks.

That Teind-Masters Teind within eight Days, after shearing of the Corns, as the same are ready, or otherways the Labourers requiring them openly in the Paroch-Kirk, three Sabbaths in the Forenoon, after the shearing, may at the sight of two honest Neighbours, sworn before Witnesses, separate the Stock from the Teind upon the Ground, which he should keep from Beasts, until the first of November. *Jam. 6, par. 6, cap. 73.*

But these three Sabbaths are reduced to two, providing there be fourteen Days fully interjected, betwixt the Day of Requisition, and the Day of Teinding. *Jam. 6, Par. 11, cap. 48.*

That Teinding, if the Owner please, be at three times, the Croft-Corn at one time, the Bear at the second, and the Out-Field-Corn at the third; and that fifteen Days after shearing of each sort, Teinding may be required on seven Days, and the Owner, if not answered, may Teind and Stack, *ut supra. Jam. 6, par. 18, cap. 8.*

Teinding at three times as in the last Act, again Statute; and that eight Days after shearing of each sort, Teinding may be required upon other eight Days, and if not obtained, that the Owner may Teind and Stack, as above. *Jam. 6, par. 21, cap. 5.*

But thir Days of Requisition are shortned to four, and it is appointed to be made to the Teind-Master, at his Dwelling-house, if present, and if not, to his Factor personally, or to the Minister, and at the Factor's Dwelling-house, which Factor the Teind-Master is ordained to Name, and appoint within the Paroch, or some Clachan next to it, and intimate the same the last Sunday of *July*, or first Sunday of *August* publickly, otherways Teinding may proceed, after the said eight, and four Days, and the Owner is only bound to keep the separate Teind upon the Ground eight Days thereafter, and it is declared, that a third Part shall be repute shorn as said is, albeit about a tenth of it be left standing, and the same Order is to be used as to this tenth Part when shorn. *Jam. 6, Par. 22, cap. 9.*

That each Heretor have the leading and drawing of his own Teind, whether Parsonage or Vicarage, the samen being first Valued, and either bought by him, or he paying the Rate thereof, which is declared to be the 5th Part of the constant Rent of Stock and Teind; or if the Teind be valued severally, then the Rate is the Valuation thereof, deducing a 5th Part for the Heretor's ease: That

the Price of all Teinds be nine Years Purchase, the same being estimate at the Rates of the Country, and the Heretors have liberty to buy at this Rate, (except the Teinds locally assigned to the Minister) any time betwixt and *Martinmas* 1635; or if the Teind be not yet Valued, within two Years after the expeding of the Valuation, unless the Titular be Minor, or otherways impeded to Sell; in which case the Heretor offering to buy as said is, shall be admitted as soon as the Impediment is removed, but if the Heretor be Minor, his Minority helps him not as to the saids two Years, only for the neglect he hath Action against his Tutors and Curators; and where there is a Liferenter, the Heretor buying must give the Liferenter the leading and drawing for Payment of the Rate, but the buying or not buying, prejudice not his Majesty as to the Annuity; and all other Questions are referred to the Commissioners to be appointed in this Parliament for Valuation of Teinds; and this Act obliges not Arch-Bishops, Bishops, and other beneficed Persons being Ministers; but according to the Provisions and Conditions set down in the Submission made by the Bishops in the Year 1628: And the Vicarage being a several Benefice, is ordained in favours of the Titular, or Minister serving the Cure, to be valued apart. *Cha. 1, par. 1, cap. 17, anno 1633.*

But these Provisions set down in the Submission made by the Bishops, are restricted to that whereof they, and other beneficed Persons, and Colleges, Hospitals, and other Donations to pious Uses, were in actual Possession of, the time of the Submission, which is to remain according to the foresaids Provisions. *ibid. cap. 19.* The Act is, *Commission for Valuation of Teinds not valued, &c.*

Commission for Valuation of Teinds, and rectifying Valuations already made: As also, for Planting and Providing of Kirks, and for perfecting the Act of Parliament, Annexing the Superiorities of Kirk-Lands to the Crown. *Cha. 1, Par. 1, cap. 19.* The Ranking of the Bishops, Officers of State, and Noblemen, is singular in this Commission.

Commission for Valuation of Teinds. *Cha. 2, Par. 1, sess. 1, cap. 61.* See it in *Plantation of Kirks.*

Act whereby in respect of the Clause, in the Bishops and Clergies Submission 1627, that they should enjoy the Fruits and Rents of their Benefices as they were Possessed by them for the time: All Valuations of Teinds whereof they were then in Possession, by leading and drawing, or by uplifting the Rental-Bolls, made since the Year 1637, are declared void and null: Providing, that Heretors whose Teinds belong to the said Clergy, and were in Tack the time of the said Submission, shall be in the same case they were in by the Decree-Arbitral, given upon the said Submission, and by the Act *Cha. 1, Par. 1. cap. 19. (above) Cha. 2, Par. 1, sess. 2, cap. 9.*

Commission for Valuation of Teinds: It excepts no Teinds from Valuation, save such as Bishops, and other beneficed Persons, Ministers were in Possession of, by leading and drawing in the Year 1628; and providing the Bishops be not prejudged in their Rents, as they Possessed in the Year 1637: And Heretors are admitted to buy three Years after Valuation. *Cha. 2, par. 1, sess. 3, cap. 28.*

Commission for Valuation of Teinds. *Cha. 2, Par. 2, sess. 3, cap. 15.* See it in *Plantation of Kirks.*

Commission for Valuation of Teinds. *Jam. 7, par. 1, sess. 2, cap. 28.* See *Plantation of Kirks.*

Tenant.

That whatever way Lands happen to be altered, to a singular Successor, by Ward, decease of a Liferenter, Sale, or otherways, the Tenant, Labourer, and Inhabitant, shall not be removed, until the next *Whitsunday* thereafter, he paying to the Intraut-Lord, the Duty used and wont. *Jam. 4, par. 3, cap. 26.*

Terce.

The Relict shall be Terced, and bruick her Terce, if her Marriage was not challenged in her Husband's Life, but she repute a lawful Wife, ay and while it be clearly decerned that she was not a lawful Wife; and that therefore she should have no Terce. *Jam. 4, Par. 6, cap. 77.*

That in time coming, where a particular Provision shall be granted by a Husband, in favours of a Wife, she shall be secluded from all Terce, unless it shall be expressly Reserved in the same Writ, but prejudice nevertheless to Contracts and Provisions already made, which are to be in force, according to the former Law and Custom. *Cha. 2, par. 3, cap. 10.*

Terms and Time, see Adjudication.

That the ordinary Term of *Whitsunday* be in time coming the fifteenth Day of May; the Term of *Martinmas* continuing as formerly. *W. and M. Par. 1, sess. 2, cap. 39.* And that the said fifteenth Day of May be in place of *Whitsunday* as to all Effects, as well as to Removings. *sess. 4, cap. 25. ibid.*

Test.

Act anent the Test, that all Persons in publick Trust or Employment, Ecclesiastick, Civil or Military, (*the Act contains a long and particular enumeration*) sign the Test subjoyned to the Act, in manner therein set down (the King's lawtul Brothers and Sons only excepted) under the pain of being declared incapable of publick Trust, and amitting their moveable and liferent Elcheats, one half to the Informer, the other to the King; and that the Privy Council see this Act put to Execution. *Cha. 2, Par. 3, cap. 6.* See the Act in *Religion.*

Act supplying and extending the Enumeration of publick Trusts set down in the former Act. *ibid. cap. 25.*

The taking of the Test farther extended. *Jam. 7 Par. 1, cap. 13.* But all these Acts anent the Test rescinded by the 13 Act of the Convention 1689, and the Act *W. and M. Par. 1, sess. 2, cap. 28.*

Testament, see Executors, and Quot.

That where Persons die within Age, so as they cannot make Testament, the nearest of Kin should have their Goods, without prejudice of the ordinary Quot. *Jam. 5, par. 7, cap. 120.*

That no Charges of Horning for Confirming of Testaments be given at the Procurator-Fiscals instance, but upon a Roll, subscribed by the Commissar, and within three Years after the Defunct's decease; and that no Caption be used thereon, but where the Horning hath been Execute against the Party personally, or at his Dwelling-house, and Paroch-Kirk-Door, on a Sabbath after divine Service, certifying Commissars, Fiscals, Clerks, or other Members of Court, that if they contraveen this Act, they shall be deprived. *Cha. 2, Par. 2, sess. 1, cap. 19.*

All Charging or requiring Persons to Confirm Testaments discharged, except at the instance of the Relict, Bairns, nearest of Kin, or Creditors, declaring that where special Assignations or Dispositions, are made by any Defunct in his Life, they shall be good and sufficient, without any Intimation, tho neither Intimate, nor made publick in the Grantor's Life. *W. and M. Par. 1, sess. 2, cap. 26.*

Thanksgiving-Days.

The fifth of *August* Yearly, appointed to be a Day of Thanksgiving to God for ever, for King *James* the sixth his Preservation from the treasonable Attempts of the Earl of Gowry, and his Brother, with abstinence from all Works that may distract from the said Exercise. *Jam. 6, par. 16, cap. 1.*

The twenty ninth of *May* Yearly, appointed for the solemn Commemoration of the King's Restauration; and for that end that it be set apart as an Holy-Day unto the Lord, and be employed in Prayer, Preaching and Praising, and lawful and suitable Divertisements, with abstinence from all Handy-labour, and other ordinary Employments. *Cha. 2, Par. 1, sess. 1, cap. 17.*

But this Act as to the Narrative is altered, and the Words of the Appointment renewed in other Terms, and the not Observers ordained to be Fined, and otherways Punished by the Council, and other Judges ordinary, according to their Condition and Estate. *Cha. 2, Par. 2, sess. 3, cap. 12.*

Theft.

That Dittay be taken of them that Steals Green Wood, or Peels Bark off Trees, and that they be punished in forty *shillings* to the Knig,

King, and Assist the Party: And siclike of Breakers of Orchyards, Stealers of Fruits, Destroyers of Cuningairs and Dovecots. *Jam. 1, par. 2, cap. 33.*

That the Stealer of Wood in another Lords Land, be there arrested, and suffer Justice in his Court, and in none other. *ibid. cap. 34.*

That no Lord of Regality under the pain of Tinsel of his Regality, nor Sheriff, Justice, and Baron, under the pain of Tinsel of Life and Goods, sell any Thief, or Fine with him of Thief-dom; and this Statute to endure during the King's Will. *Jam. 1, Par. 13, cap. 13.*

Justice should be done on Thieves, as soon as may be, without abiding forty Days. *ibid. cap. 142.* And where the Justice cannot hold justice of Masterful-men, that he certify the King, who should provide remedy in all haste. *Jam. 2, Par. 6, cap. 26.*

That no Man take, or steal Eggs out of Partridges or Wild-Ducks Nests, under the pain of forty shillings. *Jam. 3, Par. 7, cap. 60.*

That no Man hunt, shoot, or slay Deer or Rea, in others Closes, or take Cunnings, Fowls or Fish out of others Cuningairs, Dovecots, or Stancks, under the pain of Dittay and Theft. *Jam. 3, Par. 7, cap. 60.* and *Jam. 5, Par. 4, cap. 13,* and 14. Nor steal Hives, and that these be Points of Dittay, and the Unlaw ten *libs*, beside the Party's Skaith; and if Children under Age committ any of thair things, that their Fathers or Masters, pay thirteen shillings four pennies for ilk one of them, or deliver them to the Judge to be Scourged. *Jam. 4, Par. 6, cap. 69.*

And that the foresaid Acts be extended to Stealing of Fruit-Trees, Barking of Trees in Woods, and Fowlers with Nets. *L. M. Par. 6, cap. 58.*

These Acts ratified, with pains Pecunial, of ten, twenty, and forty *libs*, or pains Corporal, of Prison and Stocks, and even to Death inclusive, for the first, second, and third Fault. *Jam. 6, Par. 6, cap. 84.*

All ratified; and that who breaks down Woods, Parks, Dykes, Fences, or Closures, or Pastures, or cutts Broom, or Grass, within the same, or breaks Dovecots, or steals Bees, or steals Fish out of other Mens Stancks, or Lochs, may be conveyened before the Secret Council, or any inferior Judge, but the pain in the Justice-Court not to exceed forty *libs*, and before the Council, as the Council shall think fit to appoint, without prejudice to the Execution of former Acts. *Jam. 6, par. 19, cap. 3.*

The Master or Holder of a Thief, if required by the Party, should exhibite him before the Judge, or deliver him to the Party, under the pain of Art and Part, and making of Restitution; and that no Man attacking a Thief, concord with him, and take Theft-boot, and put him from Law, under the pain of being accused as the principal Thief; and the wrongous accuser of another for Theft, pays him ten *libs* for the Slander. *Jam. 5, Par. 1, cap. 2.*

The Refettors or Assitters of Thieves, or Intercommuners with them for that effect, may be pursued either before the Justices, as Art and Part, or called civilly before the Lords on fifteen Days, without Dyet or Table; and that all Sheriffs, Baillies, &c. put the saids

Matters to Inquisition, by an Affize of the Country, and make report to the Justices within fifteen Days thereafter.

That no Thief take any Scots Man, under the pain of Treason, and that heill Men so taken, be not holden to enter to them, but their Bands and Soverties therefore given are discharged: And if any of the saids Thieves charge on the said Bands, that they incur the pain of Treason: That heill Men taking Thieves committing Theft, or in going to, or coming from it, if they have not Power of themselves to Justify them to Death, present them to the Justice within fifteen Days: That none take, or sit under the Assurance of Thieves, or pay them black Mail, or give them Meat, Drink, Reser, Maintenance, or Supply in their theftuous Deeds, under the pain of Death, and Escheat of their Moveables: That all Men rise, and raise the Fray, and follow after Thieves, and help to take them, or to recover the Goods, under the pain of being holden for Partakers; and that the Justice Execute the Law with rigour, without favour or delay. *Jam 6, par. 1, cap. 21*, Death intimate to be the pain of Theft. *Jam. 6, Par. 6, cap. 74*. And more plainly, *Par. 7, cap. 112, Par. 11, cap. 83. par. 18, cap. 5*.

Who keeps any Scots or English Thief in his Company openly or privately, in the King's Court, or in the Burgh of Edinburgh, shall be repute and punished as a Favourer and Maintainer of Thieves and Theft. *Jam. 6, Par. 11, cap. 102*.

That they that sell the Goods of Thieves of Clans, that dare not come to Mercates in the Low-Lands themselves, incur Banishment, and Escheat of Moveables, half to the King, the other half to the Apprehender. *ibid. cap. 109*.

Ratification of the whole Laws, and Acts anent Theft, Boot, Reser of Theft, and the Entertainers of, and Intercommuners with Thieves, ordaining them to be put to Execution. *Jam. 6, par. 13, cap. 174*.

That the Person from whom Goods are Stollen pursuing the Thief *usque ad sententiam*, shall have his own Goods again, where ever they can be had, or the value, with the Expence, out of the readiest of the Thieves Goods, without prejudice to the Sheriffs, and other Magistrates, and Takers of the Thief, of their Expence in taking and executing him. *Cha. 2, par. 1, sess. 1, cap. 26*.

Act against stealing Dogs and Hawks. See Game.

Thirds of Benefices.

That the Thirds of all Benefices be payed to the Ministers, and they being payed of their Stipends, the Superplus to be applyed to the King's use. *Jam. 6, Par. 1, cap. 10*.

Act declaring that the Thirds of Benefices, Common-Kirks, Friars-Lands and Rents, being only destinate to these two uses, might be no otherways given nor imployed: And therefore all Pensions, Liferents, or Tacks of the Superplus of the saids Thirds, or of any Common-Kirk, for longer than a Year, or whereby the saids Thirds, Superplus thereof, first and best Rental of Common-Kirks, Friars-Lands, and Rents thereof hath been diminished or altered, since the last

Last Assumption, are declared to be null; but prejudice always of whatsoever Infeftments granted by the King in diminution of the faids Thirds. *Jam. 6, Par. 12, cap. 121.*

Ratified, and all Exceptions made therefra, in the Act it self, or otherways are declared null, excepting only that anent Infeftments; and but prejudice of the College of Justice and Lords thereof, as to their Privileges. *Jam. 6, Par. 12, cap. 241. See Ministers.*

Benefices of Cure being Laick Patronages, provided to Ministers ferving and refiding at the Kirks thereof, are freed of Thirds, and the fame declared to be a part of their Living. *Jam. 6, par. 12, cap. 158.*

All Tacks in diminution of the Rental, and Pensions out of the Thirds, are declared null; and that it is not leasome to the King to Dispone the fame any manner of way. *Jam. 6, Par. 15, cap. 240.*

Tin, *see* Pewther. Tobacco.

Act discharging a new Impofition laid upon Tobacco, in *December 1671*, and allowing the Import thereof free of all other Impofitions, except the ordinary Custom and Excise. *Cha. 2, Par. 2, fess. 4, cap. 4.*

Trade, *see* Burghs.

Act regulating the Liberty of Trade betwixt the Royal Burghs, and others. *Cha. 2, par. 2, fess. 3, cap. 5. See the Act in Burgh.*

That none Import into this Kingdom, any Threed, Lace, Fringes, Traces, or Buttons of Gold and Silver Threed, or any Stuffs, Ribbons in which there is any Gold or Silver Threed, or Philagram of Gold or Silver, to be worn on Apparel, or any of their Counterfeits, or any flowered, ftript, figured, checkered, painted, or printed Silk Stuffs, or Ribbons, (watered, or changing coloured Stuffs, or Ribbons, not included) or any Imbroidering of Silk on wearing Cloaths, with Certification, that the Thing shall be burnt or destroyed, and the Importers and Refetters fined in the Value: And the Wearing of any thing of the Premiffes, after the first of *April 1682*, is prohibite, under the pain of Confiscation of the Cloaths, and five hundred *merks* of Fine *toties quoties*, except that fuch as are of the King's Forces, have allowance two Years after *November 1681*, to wear out their Cloaths, upon which there is any Gold or Silver: That none Import to this Kingdom any foreign Holland, Linnen, Cambrick, Lawn, Dornick, Damask, or any other foreign Stuff or Cloath made of Linnen, or Cotton, Wool or Lint, (Flannen, Arras-Hangings, Carpets, made Beds of Silk, or Damask-Hangings, Chairs and Stools, not included) any foreign Silk, or Woollen Stockings, Laces of Silk, Gimp or Thread, and any Laces, or Poynt of any fort or Colour; any foreign made Gloves, Shoes, Boots, or Slippers, and any wearing Cloaths made abroad for Men, Women, or Children, (except what Persons have used, and bring home

home from abroad with them) with Certification, that the Thing imported contrary thereto, shall be burnt or destroyed, and the Importers or Resellers fined in the Value: And the Act contains most strict Orders to Customers and Searchers, and appoints Informers and Judges for Execution; and it is declared to be in place of any former Sumptuary Law anent Apparel. *Cha. 2, par. 3, cap. 12.* The Act is, *Act for Encouraging of Trade and Manufactories.*

Act for the Communication of Trade, ratifying Mr. John Buchan's Contract, and ordering in what manner, and with what Quota or Burden, Trade may be Communicate to Burghs of Regality and Barony, and other untree Traders thereafter; and all are discharged to Exercise any kind of Trade except Burghesses, Indwellers in Royal Burghs, and their free Ports, with consent of their Burghs, and such as get this Communication, who may also appoint Stent-Masters in their Towns, for Stenting the Burden of their Quota, of the Burrows Tax-Roll equally. *W. and M. par. 1, sess. 4, cap. 31.*

Act allowing Merchants to enter into Companies for Trade, in any Subject or sort of Goods, and to any part of the World, not in War with their Majesties, which Companies being entered into as is usual in other Parts, consistently always with the Laws of the Kingdom, are hereby approven, with all Powers, Rights, and Privileges, given to Companies for Manufactures, and their Majesties promise to give them Letters Patent under the Great-Seal, with all accustomed Solemnities: And the Parliament recommends it to their Majesties, to assist them in the Recovery of their Ships or Goods, unduely Seased or Molested, by the publick Means, and at publick Expences; and that for seven Years after the Date of this Act, or farther after Erecting of the said Companies as their Majesties shall see cause. *W. and M. Par. 1, sess. 4, cap. 32.*

Act for a Company Trading to *Affrica* and the *Indies*; and the Act is so full and ample, as to the Liberties, Immunities, Powers and Privileges, given to the Company, that they can only be best understood by reading the Act. *W. and M. Par. 1, sess. 5, cap. 8.* And all the temporary Privileges and Immunities granted by this Act, continued for nine Years longer; and the said Act and Letters Patent thereon ratified. *sess. 9, cap. 13. ibid.*

Act ratifying these Acts, and declaring, that all Persons and Ships, Trading by Commission or Permission, under the Companies Seal, shall have all the Privileges contained in the said Acts, as if the Property of Ship and Goods did pertain to the Company. *2. A. Par. 1, cap. 8, anno 1703.*

Act allowing the Administrators of the Common-Good of Burrows, and of all other Incorporations, to Adventure in this Company safely and freely. *sess. 5, cap. 42, ibid.*

The importing of any Cloath, Stuff, Ribbons, Fringes, Tracing, or Buttons, wherein there is Gold or Silver discharged, under the pain of burning the Goods, and a thousand *merks* on the Importer. See the *Exception as to the Horse and Foot Guards in Apparel.* *W. par. 1, sess. 7, cap. 7.*

Act appointing a Conncil of Trade, but limited to the next Session of Parliament inclusive. *2. A. Par. 1, sess. 3, cap. 3. anno 1705.*

Act

Act and Commission for settling the Communication of Trade.
cap. 20. ibid. See the Act.

Transferring.

Transferring *active* superfluous, the Heir, Executor, or Assigney, producing their Titles, and insisting in the principal Cause; but Transferring *passive*, to return as formerly. *W. and M. Par. 1, sess. 4, cap. 15.*

Treason, *see* Rebel.

That no Man openly Rebel against the King's Person, under the pain of Forfeiture of Life and Goods. *Jam. 1, Par. 1, cap. 3.*

If any when required by the King, disobey to Enforce him against notour Rebellers against his Person, they shall be challenged as favourers of such Rebellers. *ibid. cap. 4.*

He who passes in *England*, and Resides there against the King's Will, shall be holden as a Traitor. *Jam. 1. Par. 9, cap. 128.*

To take Assurance of *English-men* is forbidden, under the pain of Treason. *Jam. 1, Par. 13, cap. 141. and Jam. 2, par. 12, cap. 51.*

Who commits Treason against the King's Person or Majesty, rises in feir of War against him, layes Hands on his Person violently, of whatsoever Age he be, Refets or Supplies them that have committed Treason, and holds them against the King, or Stuffs Houses of their own, in furtherance of Rebels, or that Assailzies Castles, or Places where the King's Person shall be, without consent of the Three Estates, shall be punished as Traitors. *Jam. 2, Par. 6, cap. 24.*

To bring home Poison is Treason. See *Poison. Jam. 2, Par. 6, cap. 31, and 32.*

Persons suspect of Treason to be put in Firmance, and their Goods under sure Burrows, untill they thole an Affize. *Jam. 2, Par. 12, cap. 49.*

That no Man pass into *England*, the time of War, without leave, under the pain of Treason. *Jam. 2, Par. 12, cap. 50.*

That none Supply *Berwick* or *Roxburgh*, or pass away with Goods taken in Raids until they be parted, under the pain of Treason. *ibid. 52.*

If any Man raise a Fray in the Host wilfully without Cause, he shall be accused of Treason; and that these Acts be intimate by the Heads-Men, when Raids are made in *England*. *Jam. 2, Par. 12, cap. 54. See England.*

A Promise and Oath made by the Three Estates, that none of them shall Maintain, defend by Advocates for, or stand at the Bar, with manifest Traitors, common Men-slayers, Thieves, Reavers, and the like, except with their Kin and Friends, in sober ways, in Defence of them in honest Actions; but that they shall assist the King in doing Justice, and who failzies herein, to be punished after the old Laws of the Majesty, and other Laws. *Jam. 3, par. 14, cap. 98.*

Wilful Fire-raising declared to be Treason, and the Crime of lese Majesty. *Jam. 5, par. 3, cap. 8. See Fire raising.*

Treason against the King's Person or Common-Wealth, may be pursued against the Heirs of the Traitor, for Forfaulting his Estate and Memory. *Jam. 5, par. 6, cap. 69.*

To take any Prelate's Place, the time of the Vacancy after their decease, is Treason. *Jam. 5, Par. 7, cap. 125. See it in Prelate.*

Traitors accused and declared in Parliament, being Taken and Slain upon suddenty, or otherways, who moves Question against, or otherways Injures the said Slayers therefore, incurs the pain of Treason. *2. M. Par. 4, cap. 8.*

That no Thief take any Scotsman, under the pain of Treason. *Jam. 6, par. 1, cap. 21. See it in Theft.*

That none decline the King's Authority, or Impugn the Authority and Dignity of the Three Estates of Parliament, under the pain of Treason. *Jam. 6, Par. 8, cap. 129, and 130. See them in King and Parliament.*

He who Accuses another Calumniously of Treason, if the Party be Acquitt, incurs the same Crime. *Jam. 6, Par. 11, cap. 49.*

Landed Men Convict of Common Theft, Reset of Theft, Stuth, or Rief, incur the pain of Treason, that is, tinsel of Life, Lands and Goods. *ibid. cap. 50.*

Murther and Slaughter of a Person, under the Trust, Credit, Assurance, and Power of the Slayer is also Treason, and punishable as such. *ibid. cap. 51.*

How Charges of Treason should be Execute, by Heraulds or Manners. See *Jam. 6, Par. 12, cap. 125. The Act is, The Office of the Lyon, &c. in Execution.*

Wilful setting of Fire in Coal-Heughs, is declared to be Treason, and punishable by the pains thereof. *Jam. 6, Par. 12, cap. 146. See Mass and Religion, and what is there made Treason.*

It is Treason to call in Question, the King's Prerogative, in calling, holding, proroguing, or dissolving Parliaments, or in Authorizing their Acts. *Cha. 2, par. 1, sess. 1, cap. 3.*

It is high Treason for the Subjects, more or less, upon any pretext, to rise, or continue in Arms, to maintain Strengths, Forts, or Garisons, to make Peace or War, or to make Treaties or Leagues, with foreign Princes or States, or among themselves, without his Majesty's special Authority first interponed. *ibid. cap. 5.*

That if any Person shall plot, contrive, or intend Death or Destruction to the King, or any Bodily harm tending thereto, or any restraint upon his Person, or to deprive, depose, or suspend him, from the Stile, Honour, and Kingly Name of this, or any other his Majesty's Dominions, or to Suspend him, from the Exercise of his Government, or to Levy War, or to take up Arms against him, or any Commissionate by him, or to entice Strangers, or others, to Invade any of his Dominions: And by Writing, Printing, Preaching, or other malicious and advised Speaking, expresse or declare such their treasonable Intentions, he shall be adjudged a Traitor. *Cha. 2, par. 1, sess. 2, cap. 2. The Act is, Act for Preservation of his Majesty's Person, &c.*

Act allowing Messengers to Execute Summonds of Treason, is marked in the Index of the imprinted Acts. *Cha. 2, Par. 1, sess. 1, Act 13.*

In Cases of Treasonable rising in Arms, and open and manifest Rebellion against his Majesty and his Authority, the Person guilty, upon the Councils order, may be Prosecute and Sentenced before the Justices, albeit absent, as if present. *Cha. 2, par. 2, sess. 1, cap. 11.*

It is high Treason to endeavour the alteration or suspension of the Right of Succession to the Crown, as settled by Act. *Cha. 2, Par. 3, cap. 2.*

Affassination, and the asserting the lawfulness thereof, declared to be Treason. *ibid. cap. 15. See it in Assassination.*

The Custom of citing Persons Imprisoned and Indited for Treason on twenty four Hours ratified; but for the future, such Criminals are allowed, or rather ordered, to be Cited on forty eight, with liberty to them to apply for Exculpation, and a delay allowed to the Day thereof. *Jam. 7, par. 1, sess. 1, cap. 3.*

The giving or taking of the National Covenants as explained 1638, or of the League and Covenant, or Writing in Defence thereof, or owning of them as Lawful or Obligatory, declared to be the Crime of Treason. *Jam. 7, par. 1, cap. 5.* But this Act rescinded. *W. and M. Par. 1, sess. 2, cap. 28.*

The concealing and not revealing of Supplies given to, or demanded for faulted Traitors, against the King's Person or Government, declared to be Treason. *Jam. 7, Par. 1, cap. 28.*

Confessions of Parties after having received an Inditement of Treason against the King's Person or Government alienarly, before the Commissioners of Justiciary sitting in Judgment, subscribed by the Party or Judge, declared to be Judicial and Probative to the Assize, tho not emitted in their presence, notwithstanding the Act, *Jam. 6, par. 11, cap. 90.* But this to be of force only till the next Session of Parliament. *Jam. 7, Par. 1, cap. 10.*

Act ratifying the Opinion of the Lords of Session, that if any questioned by Judges or Commissioners, whether they own a Proclamation declaring War against the King, and asserting it lawful to kill all that Serve him, shall not disown the same, they are guilty of high Treason, and art and part of the said Proclamation. *Jam. 7, Par. 1, cap. 27.* But this Opinion condemned by the Claim of Right, and the Act rescinded. *W. and M. Par. 1, sess. 2, cap. 28.*

Act declaring the going to the King of France Dominions after the first of June, or abiding therein after the first of August 1693, or Corresponding with any therein after the date of this Act, 23d of May 1693, and during the present War, to be Treason. *W. and M. Par. 1, sess. 4, cap. 8.*

That no Person shall be lyable for the Reset or Corresponding with Traitors and Rebels, unless it be proven that he knew the Person reset or corresponded with. *W. and M. par. 1, sess. 4, cap. 33.*

Act ratifying a Proclamation of Council the 10th of May 1698, against suspect Persons coming from foreign Parts. Item, That none go to the Place of the late King James his Residence, nor Converse there

there with his Adherents, or any denounced Fugitives for Rebellion, under the pain of being punished as Corresponders with Traitors. *W. par. 1, sess. 7, cap. 17.*

Thefaurer, *see* Exchequer.

Trent Decrees, *see* Religion.

Trespafs, *see* Crime.

Trewes..

That the Days of Trewes with *England* be kept. *Jam. 4, Par. 2, cap. 11.*

Trust.

That no Deed of Trust be found to be such for hereafter, except verified by Writ, or the Party's Oath *simpliciter*. *W. Par. 1, sess. 6, cap. 25.*

Tunnage, *see* Ships.

Tutors *and* Curators.

The nearest Agnat of twenty five Years of Age to be Tutor of Law, albeit there be none nearer under Age. *Jam. 3, par. 7, cap. 52.*

The Mother remaining Widow, preferred to the Tutor in Law, as to the Case mentioned in the Acts. *Q. M. Par. 3, cap. 5. and Jam. 6, Par. 2, cap. 42.*

That the nearest Agnat be preferred to the Tutor of Fools, and furious Persons, according to the Common Law. *Jam. 6, par. 10, cap. 18. See Idiocy.*

That no Tutor, nor Curator, to Pupil, Minor, Idiot, or furious Person, not already entered in the Office, have power to act, or meddle with their Writs, or Means until first he make Inventar of the Lands, Bonds, Tickets and Compts, and all Moveables under his Charge, at the sight of the Friends on the Father side, and on the Mother side, of which Inventar there shall be three Doubles, *to wit*, for the Tutor or Curator, and Friends, on both sides subscribed by them all, and recorded before the Judge Ordinary: And in case the Friends on either side, after Citation, concur not, that the Inventar be made at sight of the Judge Ordinary, and signed, sealed and consigned as in the Act: That they also eike as things come to their Knowledge, and within two Months after attaining the Possession, and cause make an Act thereon, and leave two Duplicates in the Clerks Hands, where the principal Inventar was made; and Debtors are not to be obliged to pay, until they see their Sums contained in the saids Inventars: And if the saids Tutors, and Curators fail

fail in the Premises, that they be liable both for Intromission and Omission, and get no allowance of Expences, and be removeable as suspect; but prejudice nevertheless to the saids Minors, and others, to super-Charge their Tutors and Curators: That all Gifts of Tutorry, proceed upon Citation, or Consent, obtained in Writ of the nearest of Kin on both sides; and that the Gifts bear the same, or otherways be declared null, at the instance of any obtaining a lawful Gift. *Cha. 2, Par. 2, sess. 3, cap. 2.*

A Father in his *liege pouste*, may name Tutors and Curators for his Children, with this Quality, that they shall not be liable for Omissions, and only each for himself, and not *in solidum*; and these Curators thus accepting, shall have the Office during Minority, in being still free to them to accept to be Curators, tho named to be, and exercising as Tutors, yet if the Condition of these Tutors and Curators change, and Complaint be thereof made to the Lords, they may ordain them to find Caution, or remove them. *W. par. 1, sess. 6, cap. 8.*

That all Actions of Compt and Reckoning direct, or contrary, raised, or to be raised betwixt Minors, and their Tutors or Curators, prescribe, if not insisted in within ten Years after the Minors Majority, or death in their Minority; but this prescription not to run against Minors. *cap. 9, ibid.*

U.

Union.

Commission for treating anent the Union of *Scotland* and *England*, reserving fundamental Laws, Rights, Offices, Dignities, and Liberties. *Jam. 6, Par. 17, cap. 1.*

Act anent the Union of the two Realms, marked fig. 2. in the List of imprinted Acts. *Jam. 6, par. 19.*

Act Authorising certain Commissioners of the Kingdom of *Scotland*, to Treat with the Commissioners of *England*, about a farther Union of both Kingdoms. *Cha. 2, par. 2, sess. 2, cap. 1. anno 1670,* the like *anno 1689.* See *Convention of Estates.*

Act enabling her Majesty to appoint Commissioners for Treating an Union betwixt the two Kingdoms of *Scotland* and *England*, with the Letter from the Parliament to the Queen, for the Freedom and Security of the Presbyterian Church Government. *Q. A. Par. anno 1702, cap. 7.*

Act for a Commission and Treaty of Union betwixt the two Kingdoms. *Q. A. Par. 1, sess. 3, cap. 4. anno 1705.*

Act ratifying and approving the Treaty of Union of the two Kingdoms of *Scotland* and *England.* See it set down *verbatim* at the end of this *Index.* *Q. A. Par. 1, sess. 4, cap. 7. anno 1707.*

Exemplification under the Great-Seal of *England*, of the Act of the Parliament of that Kingdom, *Intituled,* An Act for an Union of the two Kingdoms of *England* and *Scotland*, as the same was transmitted to the Parliament of *Scotland*, and ordered to be Recorded.

This is subjoined to the preceeding Act, and contains only a repetition thereof, and of some other Acts of the Scots and English Parliaments, ingrossed as Points and Conditions of the Union.

University, and Colledge.

Act empowering the Magistrates of free Burghs, in case they find Students, Bursars, and Masters of Colleges, Vaiging by Night, or by Day, within their Towns with Arms, to take their Arms from them. *Jam. 6, Par. 14, cap. 223.*

That no Masters, Principals, Regents, or Professors, be admitted, or continued, in any University or College, unless they be Pious, Loyal and Peaceable, submitting to, and owning Episcopal Government, as now settled, and that they Swear the Oath of Allegiance, and report a Certificate thereupon, as in the Act. *Cha. 2, Par. 1, sess. 2, cap. 4.*

Act for better Provision of the Universities, ordaining upon the Offer made by the Clergy of fifty *libs*, out of every thousand *merks* of Bishops Rents, and fourty *libs* or six *per cent*, out of every thousand *merks* of Ministers Rents, to be payed Yearly for five Years after the Year 1664 *inclusive*, for the use of the saids Universities, in manner specified in the Act; as also, the vacant Stipends for seven Years, after the sixth of February 1664, are appointed for the same Use: And the 52 *Act sess. 1*, of this Parliament, concerning vacant Stipends, is in so far suspended. *Cha. 2, Par. 1, sess. 3, cap. 24.*

Act anent Suspensions of Charges by Masters of Universities for their Dues. *Cha. 2, Par. 2, sess. 2, cap. 6. See it in Suspension.*

Act assigning vacant Stipends, for the better Provision of the Professors, and Masters of the Universities, according to the Division therein specified, and that for seven Years from the Year 1672 *inclusive*, with the burden always of upholding the Manfes: And the former Act. *Cha. 2, Par. 1, sess. 3, cap. 24.* is declared void. *Cha. 2, Par. 2, sess. 3, cap. 20.*

Half a Months Cess imposed, appointed for the University of St. Andrews for bettering their Stock, to be uplifted in the Years 1682 and 1683. *Cha. 2, Par. 3, cap. 23.*

That all Professors, Principals, Regents, Masters or Others, bearing Office in any University, College or School, subscribe the Confession of Faith, swear and subscribe the Oath of Allegiance, and submit to the present Government of the Church: As also, be of sufficient Abilities, and of a pious, loyal, and peaceable Conversation, or otherways be removed, and a Commission of Visitation granted for this, and other purposes expressed in the Act; with power to appoint Committees, and this Commission to endure until recalled by their Majesties. *W. and M. Par. 1, sess. 2, cap. 17.* And the *Quorum* of this Commission, appointed to be eleven of the Number, notwithstanding the Major part be appointed by the former Act. *sess. 4, cap. 41.*

The Privileges granted to Ministers for their Stipends, extended to Universities, Schools, and Hospitals, for their Rents and Debts. *sess. 6, cap. 14.*

Usury.

Usury.

That takers, or makers of Bargains, for greater Interest, or Profit, for the Loan of Money, than at the Rate of ten *libs*, or five Bolls of Victual *per cent*, for the Year, be punished as Usurers, conform to the Laws of the Land. *Jam. 6, Par. 11, cap. 52.*

Extended, whether the same be taken upon Wadd, Pledge, Obligation, Act, or Contract, before hand, or after, and the Party payand, or obliged for the said Usury, if he reveal it, shall be discharged of the Debt, and if another reveal it, he shall have Right to the Sum, and the Receiver or Contracter for the said unlawful Profit, shall tine the Stock. *Jam. 6, par. 14, cap. 222.*

But the Takers of the said unlawful Profit, are declared to be punishable by Confiscation of Moveables, and otherways in their Persons as Usurers: And that all Annualrent in Victual be reduced, and may be acquit by payment of ten *per cent*: And all Bonds, Contracts or Infestments made in defraud of this Act, either by way of Wadset, for a Back-Tack-Duty, exceeding the said Annualrent, or under the colour of Buying and Selling, or by Detention before hand, are declared null, by way of Action or Exception, and the Party, with concurrence of the King's Advocate, or the King's Advocate without the Party, may pursue the same, and the nullity may be tryed by Oath of the Party, or otherways; and being found, the Principal with the ordinar Annualrent unpaid, belongs to the King, and his Donators; and the Party if he concur, (and no otherways) hath Repetition of the exorbitant Profits. *Jam. 6, Par. 15, cap. 247.*

And the meaning of this Act, as to the Probation by Oath of Party, &c. therein mentioned, declared thus; That Usury may be proven by Writ or Oath of the Party receiver, and by the Witnesses insert in their Security, without taking the Oath of the Party giver. *Jam. 6, par. 16, cap. 7.*

That no Person lending or giving out Money for Annual retain in the time of the Lending, or exact or receive the Annual before the Term, under the pain of Usury, yet at the time of lending of the Annual, may be added to the Principal, providing that neither be exacted before the Term. *Jam. 6, Par. 23, cap. 28.*

It is Usury to take a proper Wadset of Lands, exceeding in Rent, the Annualrent of the Money lent, with a Provision, that the Creditor shall not be liable to the hazard of the Fruits and Rents. *Cha. 2, Par. 1, sess. 1, cap. 62. in Fine.*

V.

Vacant Stipends.

THAT all vacant Stipends, and Benefices, be imployed for the Supply, and Reparation of the Losses of such in the Ministry, or Universities, as were thrust out, and suffered for their Loyalty,

in the late Confusions, and of their Wives and Bairns, and that at the sight of the Council, without prejudice to the Relict, and Executors of Ministers their Dues, after the Ministers decease, and this Act to endure for seven Years, and longer as his Majesty shall think fit. *Cha. 2, Par. 1, sess. 1, cap. 52. See Manfes.*

That the vacant Stipends of all Churches, be imployed by the Patron, on pious Uses within the Paroch, as Building and Repairing of Bridges, Repairing of Churches, or Maintenance of the Poor, otherways the Patron to loose his Presentation for the next Vice, but with an exception of these Vacancies for five Years, for the Uses mentioned in the Act, providing always, the Manse be maintained in the first Place, as appointed by former Acts. *See Manfes.* But this Act not to be extended, to the King's, nor to Bishops Mensal, and Patrimonial Churches. *Jam. 7, Par. 1, cap. 18.*

The vacant Stipends and Benefices within the Synod of *Argyle*, applied to the Training up of Youths at Schools, and Colleges, and other pious Uses within the Bounds, and the Synod is impowered to Collect, and to make the Application with consent of the Heretors. *W. and M. Par. 1, sess. 2, cap. 24.*

Vagabonds, *see* Beggars, Poor, and Strangers.

That all Men certify concerning Vagabonds and suspect Persons, that they may be apprehended, under the pain due to these Vagabonds. *Jam. 6, Par. 12, cap. 147. The Act is, For the Punishment of the Resettlers of Traitors, &c.*

Act for establishing Correction-Houses in the Burghs, and in manner mentioned in the Act, for idle Beggars, and Vagabonds. *Cha. 2, Par. 2, sess. 3, cap. 18.*

Valentines.

The King's close Orders to Land-Lords and Chiftains of Clans, to produce notable Limmers, which should be obeyed. *Jam. 6, par. 11, cap. 104. See it in Highlands.*

Valuation of Teinds, *see* Plantation of Kirks.

Vassals, and Vassals of Bishops Lands, *see* Kirk-Lands.

Viſtual.

That buyers of Viſtual, and Holders thereof to a Dearth, be reputed as Ockerers, and so punished, and the Viſtual Eſcheat to the King. *Jam. 2, Par. 6, cap. 22.*

That

That none that buy Victual to sell again, hold more than will sustain them, and their Menzy, till new Corn, under the pain of Escheat of the Victual, and that all have power to buy and sell Victual, and that none hold old Stacks in their Yards, longer than Zuil, under the pains of Escheat of the Stacks. *ibid. cap. 23.*

Order for the Threshing out of Corns then unthreshen. *Jam. 2, par. 9, cap. 37.*

That no Man hold Victual in Girnells, but allenarly for his own use, and finally until *Michalmass* then next. *ibid. cap. 38.*

That no Man hold more than will serve him and his House for a Quarter, and that the rest be presented in Mercat. *ibid. cap. 39.*
These three Acts seem to have been made for a pressing Dearth.

That Inbringers of Victual be favourably treated, and no new Custom taken off them. *Jam. 2, par. 10, cap. 40.*

All Men are free to bring, and sell Victual all the Days of the Week, as well as on the Mercat-day. *Jam. 4, Par. 4, cap. 44.* The Act is, *Anent the taking of Multure of Flour, &c.*

That none carry Victual forth of the Realm, under the pain of Escheat of it, with the rest of the Owner's Moveables; as also, of the Skippers Moveables who received it. *Q. M. par. 6, cap. 40.*

Another Act against the transporting of Victual and Goods, (see *Bestial*) either by Land, or by Sea, and for staying the transport of Victual by Sea, that the Ship, and whole Goods of the Master, and Clerk thereof, be Escheat, in case of Contravention, and their Persons imprisoned at the King's Will; and that Searchers be appointed by the Burgh, to Search with the King's Searchers, and the one half of the Victual found, to be Escheat to the King, and the other to the Burgh. *Jam. 6, Par. 11, cap. 55.* See *Bestial*.

That notice be taken what Victual Ships take in at their passing to *Loch-broom*, and the *North-Isles*, to the Fishing in the Harvest. *ibid. cap. 57.*

That Victual may be transported, when under the Prices following, Wheat twelve *libs*, Bear and Barley eight *libs*, Oats and Pease eight *merks* per Boll, the former Acts notwithstanding, the Victual paying Custom, and Bullion as formerly, but the Lords of Privy Council when they find it necessary may forbid this Export. *Cha. 2, Par. 1, sess. 3, cap. 12.* The Act is, *Act for Encouraging of Trade, and Pasturage.*

Imposition of three *libs Scots* per Boll, on Victual brought from *Ireland*. *ibid. cap. 14.* See *Ireland*.

Victual exported discharged of Custom, Bullion, and all Dues, except one *merk* per Chalder; and the Lords of Council are Authorized to declare the Prices as in the Act. *Cha. 2, par. 1, sess. 3, cap. 12.* (above) and restrain this Export when they see cause. *Cha. 2, par. 2, sess. 1, cap. 14.*

Act discharging the Importation of Victual from *Ireland*. *Cha. 2, par. 2, sess. 3, cap. 3.* See *Ireland*.

Act for encouraging the Exportation of Victual; that all Grains exported after *Martinmass* 1696, shall be free of any Dues for the Export: And farther, that the Exporter have out of the Customs eight *merks* for each Chalder exported by Sea or Land, when

Wheat is at, or under twelve *libs*, Bear, Barley, or Malt eight *libs*, and Pease, Oats, and Meal, six *libs* per Boll, and the Exportation by Scots-Men or Ships, and the Master and three fourth Parts of the Seamen Scots, the Quantity to be verified by the Oath of the Exporter under his hand, attested by the Collector of the next Custom-House; but when Grains exceed the said Rates, the Council may forbid the Export. *W. Par. 1, sess. 5, cap. 32.*

Act ratifying the Proclamation of Council, giving a *Premium* for the import of Victual in the then Scarcity, and declaring the King should be reimbursed. *sess. 6, cap. 27.*

Violent Possessor.

That violent Intruders, and Possessors of other Mens Lands, be ejected by the Sheriff, upon the Complaint of the Party. *Jam. 2, Par. 14, cap. 78.*

Vituous Intromettor.

That the Confirmation of an Executor *qua* Creditor, shall not purge vitious Intromission, unless the Intromettor have Right from him before his Intromission. *W. Par. 1, sess. 6, cap. 20.*

W.

Wadset.

Tacks set at the granting of Wadsets, to commence after the Redemption, for half Mail, or thereby, not to be kept, but they should be set for the true Mail, *Jam. 2, Par. 6, cap. 18.* See it in *Tacks.*

That in case of proper Wadsets granted since the Year 1649, where the Rent exceeds the Annualrent; and yet the Creditor is expressly freed of the hazard of the Fruits and Rents: That the same be restricted to the ordinary Annualrent, and the superplus Rent computed for, and imputed to the payment of the principal Sum: And that all such Wadsets in time coming be judged Usury, and where the Creditor bears the said hazard, yet if there be any Clauses Irritant in the saids Wadsets, the same are suspended for five Years, after *Whitsunday* 1661: As also, the Debitor is allowed to Redeem, at any *Whitsunday* or *Martinmas* he pleases, albeit by the Right, the Redemption be suspended; but where the Creditor and Granter of the Wadset have Transacted for an irredeemable Right, the said Transactions are declared valid, at what time soever the saids Wadsets were granted: And further, because of the difficulties of former times, it is ordained, that in case of any proper Wadsets already granted, the Creditor in time coming during the not Requisition, or Redemption upon offer made by the Debitor of sufficient Security for his Annualrent, shall be holden to renounce his Possession, at least

(if

(if this he rather please) to restrict the same to his ordinary Annual-rent, and be comptable for the Superplus; providing always, that the Creditor hath got compleat payment of his Annualrents, for all Years preceeding, all publick Burdens, Expences of Meliorations, and Leases whatsoever, being first discounted; of which Deductions, the Lords are to take any reasonable Probation, with the Creditor's Oath in Supplement; and that where he is in natural Possession, with his own Goods, he be duely warned and removed: And it is declared, that after this favour, the like shall not be granted hereafter, as to lawful proper Wadsets. *Cha. 2, sess. 1, cap. 62.*

At that part of the Act anent Wadsets, the Act is, *Act for ordering the Payment of Debts betwixt Creditor and Debitor.*

Warden of the Borders.

That the Warden choose such Deputes as he will stand for, and that the King assist him and his Officers. *Jam. 2, par. 6, cap. 15.* The Act is, *Trewes on the Borders should be kept, &c.*

That there be no Wardens of the Borders made in Fee, and that they Judge not of Treason, or Points of Dittay, saving what is needful for Conservation of the Trewes. *Jam. 2, Par. 11, cap. 42.*

That no Man go away with Goods, taken in the Warden's Raids, before they be parted, under the pain of Treason. *Jam. 2, par. 12, cap. 52.* The Act is, *That no Scotsman supply Berwick, &c.*

The Warden may continue his Courts for three Days or shorter. *Jam 3, Par. 12, cap. 87.*

Warden of the Cunzy, see Money.

That there be a Warden for Essayng the Cunzy. *Jam. 3, Par. 13, cap. 93.* And his Office more fully set down. *Jam. 4, Par. 1, cap. 2.*

Ward-Holding, and Wardatar.

That the Wardatar required by the Sheriff, find Soverty not to destroy the Lands, but to keep them in siclike kind as he finds them, and that a reasonable Living be given to the Heir, if he have no other Lands. *Jam. 4, Par. 3, cap. 25.*

Ratified, and the Sheriff and other Officers strictly enjoined to put it in Execution, with power to Charge for the said Soverty. *Jam. 5, Par. 4, cap. 15.*

The perfect Age of an Heir-Male in Ward-Lands, said to be twenty one Years, and of an Heir-Female fourteen Years compleat. *2. M. Par. 3, cap. 5. and Jam. 6, Par. 2, cap. 44.*

That such as hold Lands Ward, or Feu, *cum maritagio* of the King; or of the Prince, componing therefore, and getting the same changed to Feu, shall be free of the Marriage, as to all other Superiors, of whom they may hold other Lands Ward, siclike as if they had.

had continued to hold of the King or Prince, as formerly; but if they annailzy their Lands so changed, then the Alienator and his Heirs, to have no longer the benefit of this Act. *Cha. 2, par. 1, sess. 1, cap. 58.*

Warning, *see* Removing.

That Warning be made to Tenents fourty Days before *Whitsunday* any time within the Year, either Personally, or at their Dwelling-Places, and on the Ground of the Lands, and a Copy delivered to Wife or Servants, or failzying thereof, affixed on the Gate of the Dwelling-Place of the saids Lands, if any be; and thereafter the Precept to be read in the Paroch-Kirk where the Lands ly, upon a Sabbath before Noon, the time of Preaching or Prayers, and a Copy affixed on the Kirk-Door, fourty Days before the Term. *2. M. Par. 6, cap. 39.*

Water-Mett, *see* Metts and Measures.

Wayes.

Wayes to Mercat-Towns, should be twenty Foot broad at least, and where larger, kept so. *Cha. 2, Par. 1, sess. 1, cap. 38. See Justice of Peace.*

Power and Rules given to the Sheriffs, and Justices of Peace, to Overseer and Mend high Wayes, Bridges, and Ferries; and the Heretors in each Shire required to Stent themselves, if needful, for that effect, not exceeding ten *shillings* on the hundred *libs per annum*, and if the Justices neglect, the Charge is committed to the Council: As also, Letters of Horning and Poinding, are ordained to be direct by the Council upon this Act. *Cha. 2, Par. 2, sess. 1, cap. 16.*

Act correcting the former, as to the Terms of Mending therein specified, and referring it to the Justices, at what time to call the Country to mend Ways, &c. Seed-time and Harvest excepted; and to take Money (as in the Act) from such as by reason of their distance cannot attend. *ibid. sess. 2, cap. 9.*

Ratification of the Acts *Cha. 2, Par. 2, sess. 1, cap. 16. and sess. 2, cap. 9.* And the Commissioners of Supply joined to the Justices of Peace for care of the high Wayes and Bridges, with power to choose their own Clerks, and the times of their Meetings appointed, and the pain of not Meeting twenty *merks* for each Days absence. *Item,* That where Bridges and Ferries are in the Confines of two Shires, the Shires concur according to their respective Valuations; and that Shires and Burghs, repair and uphold the Bridges within their respective Bounds, at the sight of the Privy Council. *Jam. 7, par. 1, sess. 2, cap. 8.* But marked to be rescinded, *W. and M. Par. 1, sess. 2, cap. 28.*

Weapon-

Weapon-shawing, *see* Militia.

That Weapon-shawing be made in ilk Shire four times in the Year. *Jam. 1, Par. 2, cap. 44.* and siclike in Burrows, and that all Men be sufficiently Harnished and Armed. *Jam. 1, par. 3, cap. 60.* As also, that they be holden by Lords and Barons, Spiritual and Temporal, four times in the Year, and that the Foot-Ball and Golf be cryed down, and Bow-marks made in each Paroch, and all betwixt twelve Years and fifty use Shooting. *Jam. 2, par. 14. cap. 64.* and *Jam. 3, Par. 6, cap. 45.* The Act is, *The length of Spears &c.*

That all the Leidges be ready, well Abuilzied for War, upone eight Days warning to come to the King or his Lieutenant, for Defence of the Realm, furnished with Viſtual and Expences for twenty Days after their coming: And Sheriffs, and also Baillies of Regalities and Baronies, hold the saids Weapon-shawing, and Amerciate them that are absent, or not well Abuilzied, as in the former Act. *Jam. 3, par. 13, cap. 90.*

That the said Weapon-shawing be made as said is, in all places convenient within the Shire, and that Men be Armed, as is prescribed in the Act, and at the discretion of the Sheriff, or the King's Commissioner in that part. *Jam. 4, par. 3, cap. 31.* And that neither Foot-Ball or Golf, nor unprofitable Sport for the Defence of the Realm be used, but Shooting and Bow-Marks, as is before appointed. *ibid. cap. 32.*

That for keeping of Armour and Harness in time of Peace, all Scotland make Weapon-shawings on Thursday in *Whitsun-week.* *Jam. 4, par. 6, cap. 75.*

That Weapon-shawings be made twice in the Year, in the Months of *June* and *October*, at such Days and Places, as shall please the Sheriff, and Baillies to Burgh, and to Land, and that the Musters be taken by them, or the King's Commissioner in that part. *Jam. 5, par. 6, cap. 85.*

The manner of Harness and Weapon-shawings appointed. *ibid. cap. 87, and 88.* And that all coming to Weapon-shawings be inrolled with the manner of their Arms Yearly. *ibid. cap. 89.* And warnings to Weapon-shawings to be on twenty Days. *ibid. cap. 90.* And that Captains one or mo, be chosen in ilk Paroch by the Sheriff, and Bailly, with the King's Commissioner in that part, by the Advice of the most able in the Shire, to Muster their Companies twice each Month for *May, June* and *July*, and other Months also if they may, at what Days they shall think fit, on Holy-days before Noon. *ibid. cap. 91.* See *Militia.*

Weaver.

That no Weaver make Searge, under the breadth of an Ell and a Nail, Perpetuanaes under three Quarters and an half, and Woollen-Cloath under an Ell and an half, under the pain of twenty *libs*, and the

the Cloath or Stuff to be Confiscate, half to his Majesty, half to the Discoverer. *Cha. 2, Par. 1, sess. 1, cap. 42.*

That they make Linnen-Cloath of ten *shillings per Ell*, or above, an Ell and two Inches broad, under the pain of Imprisonment, and twenty *libs* Fine. *ibid. cap. 43. See it in Linnen.*

Weights, *see* Metts and Measures.

That Bread, and all Butcher Flesh, be retailed by Weight, and no otherways, under the pain of an hundred *libs toties quoties*. *Cha. 2, Par. 3, cap. 14.*

Wife.

That in pecunial Pains, Wives be weighed and considered, conform to the Blood and State of their Husbands. *Jam. 6, Par. 7, cap. 103. The Act is, For punishment of the Blasphemy of Gods Name.*

That Wives be liable in their Husbands Fines, and that their Husbands pay the same for them; this Statute in the case of Swearing. *Cha. 2, Par. 1, sess. 1, cap. 38. The Act is, Anent Justices of Peace, &c.*

But in the case of Conventicling, the Wife's Fine is but the half of her Husband's, and he is liable for it. *Cha. 2, par. 2, sess. 2, cap. 5. See it in Conventicles.*

Wild Beasts, and Fowl, *see* Game.

That no Wild-Fowl be taken from the beginning of *Lentron*, until *August*, by no manner of Instrument, under the pain of fourty *shillings*. *Jam. 1, Par. 7, cap. 109.*

That Wild-Fowl for Man's use be reserved, but Fowls of Rief, Eirns, Glaidis, &c. as also Ruicks and Crows be destroyed. *Jam. 2, Par. 14, cap. 64.*

That no Man slay Dea, Rea, nor Deer, in time of Storm, or their Kids, while they be an Year old, under the pain of ten *libs*. *Jam. 3, Par. 7, cap. 61. and 2. M. par. 6, cap. 58. And the pain augmented to an hundred libs. Jam. 6, par. 14, cap. 210: And all former Acts thereanent ratified. Jam. 6, Par. 23, cap. 32. See Stalkers and Theft.*

That no Man shoot a Deer, Wild-Beast, or Wild-Fowl, with any sort of Gun, under the pain of Death, and Escheat of Moveables, and that their Moveables be given for Keward to their Apprehenders. *W. and M. Par. 4, cap. 9. and Par. 6, cap. 51.*

Renewed against such as Shoot with Guns or Bows at Dae, Rae, Hind, Hare, Cunning, Dove, Heron, or Fowl of River, under the pain of Escheat of Moveables, and if the Offender be Vagabound, having no Goods, to be punished by Imprisonment fourty Days for the first, and cutting off his right Hand for the second fault. *Jam. 6, par. 1, cap. 18.*

Ratified, and that the Judge ordinar, put the same to Execution, under the pain of an hundred *libs* for the first fault, and to be doubled for each failzy thereafter; and that Heretors when required, present the Offender living upon his Ground, under the pain to be exacted off him by the Judge ordinar. *Jam. 6, Par. 7, cap. 123.* And both thir Acts ratified, and the Crime ordained to be punished as the Crime of Theft. *Jam. 6, par. 11, cap. 59.*

That who slayes Hart, or any Wild-Fowl, at any time with Gun or Girn, or shoots at Duck or Drake, or other Wild-Fowl, with an Hagbutt, incurs the pains of an hundred *libs*, or to be punished in their Persons. *Jam. 6, par. 14, cap. 210. See this Act in Forrests.*

And these Acts ratified, with power to Sheriffs, Stewarts, Baillies and Barons, to slay all lying Dogs used by Fowlers, and put the Fowlers in the Stocks for using them, the space of fourty eight Hours. *Jam. 6, Par. 15, cap. 266. and par. 16, cap. 23.* And that none sell or buy any Deer, Hares, or Wild-Fowl commonly chased by Haulks, under the pain of an hundred *libs*, as well the Buyer as Seller, half to the King, half to the Apprehender; and in case of Inability, the Offender to be Scourged: And all Judges to Burgh or Land, and Barons, are hereto made Justices: And that none slay or eat Muir-Pouts, before the third of *July*, nor Partridge-Pouts before the eight of *September*; but Cunnings, Wood-Cock, Plever, and Wild-Goose, are excepted from this Act. *ibid. Par. 16, cap. 23.*

That none buy or sell any Wild-Fowl, that is Pout, Partridges, Muir-Fowl, Black-Cocks, Gray-Hens, Termagants, Quails, Capercallies, &c. under the pain of an hundred *libs* to the Buyer or Seller. *Jam. 6, par. 13, cap. 30. See Hunting and Haulking.*

Wine.

That none buy Wines from *Fleemings* of the *Dam*, under the pain of Escheat. *Jam. 1, par. 13, cap. 147.*

That none bring Home corrupt or mixt Wine, and that none buy or sell it after it is declared to be such; and that no Person mix Wine or Beer, all under the pain of Death. *Jam. 3, Par. 12, cap. 89.*

That Wines brought in by the East and West Seas be sold, the *Bordeaux* Wine for twenty *libs* the Tun, and ten *pennies* the Pint; the *Rochel* Wine for sixteen *libs* the Tun, and eight *pennies* the Pint: And the Wines bought in the East and West Seas to be sold, the *Bordeaux* Wine for sixteen *libs* the Tun, and eight *pennies* the Pint; and that the *Rochel* Wine at twelve or thirteen *libs* per Tun, and six *pennies* per Pint: And that no Taverner mix Wines, nor huird the same, but expose them to sale for the Prices foresaid, under the pain of Escheating of his Wines, and tinsel of his Freedom. *2. M. Par. 5, cap. 11.*

Ratified as to mixing and huirding of Wines, and the Magistrates of Burghs made Justices in that part; with power to sease and hold Courts Monthly for that effect. *Jam. 6, Par. 7, cap. 126.*

That no Wines be brought Home without a Certificate of the Price thereof, under the Towns Seal, where they were bought, and

one Certificate be sufficient for the Wines of a Ship, and the Price be made of the common Price that Wines give the time of buying. *Jam. 6, Par. 11, cap. 53.*

That the Duty granted by the Estates to the King upon the Wines, be payed within ten Days after the arriving thereof; and that the Magistrates of Burgh take Caution of the Merchant, Mariner, or Home-bringer, for this effect; and that Letters of Horning on ten Days be direct against the said Magistrates: Home-bringers, or their Cautioners, in the Option of the Collector on this Act, and that the Person denounced thereupon, be not relaxed, until he pay the double of the Duty. *Jam. 6, Par. 14, cap. 206. Custom of Wines, see Customs.*

Act prohibiting the Import of all *French* Wines from any part after the first of *October* 1701, and until the same liberty of Importing our Herring and other Goods to *France*, with the same Freedom and Immunity there for *Scots* Ships be granted to us, that any other Nation enjoys in that Kingdom: As also, Prohibiting the Import of all Brandy, and strong Waters, and of all Beer-aiger, Ale-aiger, or Wine-aiger, from any Part after the first of *May* 1701, under the pain of staving and destroying the Liquors and other pains in the Act: And in case any Ship import Wine from the Bay of *Biscay*, the Merchant Importer, and Master of the Ship, and all the Seamen, must before unloading, in presence of the Judge of the Port, and two Justices of the Peace, give their Oaths, that the Ship came from the Port mentioned in her Documents; and that they do not know or believe the Wine imported to be, or have any mixture of *French* Wine; and no Red-Wine imported from any part, betwixt *France* and the *Groyne exclusive*, after the said first of *October*, to be sold by Retail for a greater Price then fourteen *shillings per Pint*, under the pain of five hundred *merks toties quoties*; and the buying and selling any of the said prohibite Liquors after the first of *February* 1702 discharged, under the pain of five hundred *merks*, the Buyer as well as the Seller, beside the Confiscation and Staving of the Liquor. *W. Par. 1, sess. 9, cap. 10.*

Act allowing the Import of Wines, and all other foreign Liquors, rescinding all Acts in the contrar, but paying the former Duties, and reserving to Barons the Immunity given them by the Act. *Jam. 6, Par. 15, cap. 251: Q. A. par. 1, cap. 11. anno 1703.*

Witch-craft.

That no Man use any manner of Witch-craft, Sorcery, or Necromancy, nor give themselves out to any such Craft, there through abusing the People: And that no Man seek any Help or Response, or Consolation, at any such Users or Abusers, under the pain of Death, to be Execute by any Judge, thereto having power. *Q. M. Par. 9, cap. 37.*

Wit-

Witnesses.

That hereafter only subscribing Witnesses be Probative of the Party's Subscription; and that none in this case subscribe as Witness, unless he know the Party, and saw him subscribe, or heard him give warrant to the Notar, or saw him touch the Pen, or heard him acknowledge his Subscription, the time of the Witnesses subscribing, otherways they shall be repute and punished as accessory to Forgery: That hereafter, none but subscribing Witnesses be Probative in Instruments of Seafin, or Resignation *ad remanentiam*, or of Intimation, or in Messengers Executions of Inhibitions, Interdictions, Hornings, or Arrestments, or in Executions of Summons used for Interruption of Prescription in real Rights; and that in all the saids Cases, the Witnesses be designed in the Body of the Writs, Instruments or Execution, otherways the same to be null. *Cha. 2, Par. 3, cap. 5.*

Witnesses cited in the Cases of Treason, Field or House Conventicles, or Church-Irregularities refusing to Depone, are declared liable as themselves guilty of these Crimes; but provided that these Depositions shall not militate against the Deponent. *Jam. 7, Par. 1, cap. 4.* But this Act, in so far as concerns Church-Irregularities, or Non-conformity, appears to be rescinded by the general Clause in the Act, *W. and M. Par. 1, sess. 2, cap. 27.*

That Witnesses in all Processes in all Courts, be Examined in presence of the Parties, or their Advocates, if present; and that Testimonies be patent to Parties, in the Clerk's hands before Advising. *Jam. 7, Par. 1, cap. 17.*

Common Women,

That Common Women be put at the outmost end of Towns. *Jam. 1, Par. 4, cap. 74.*

Wood, see Forrests, Planting, and Theft.

That the unlaw of Green Wood, by felling or burning, be five *libs*, and that the old unlaw of Green Wood, as to the Destroyers, stand otherways as before. *Jam. 4, Par. 6, cap. 71.*

That every Lord or Laird, Plant at least an Aiker of Wood, where there are no great Woods or Forrests. *ibid. cap. 74.*

That the pain of destroying Green Wood, by Cutting, Peiling, Burning or Selling, or of new Hainings, be for the first time ten, for the second twenty *libs*, and for the third time Death. *Jam. 5, Par. 4, cap. 11.*

That these Acts be Execute, and that the Judges ordinary hold two Courts Yearly, at *Pasch* and *Martinmas* for that effect; and cause Contraveeners find Caution to desist, under the pain of an hundred *libs*, as oft as they shall contraveen. *Jam. 6, Par. 1, cap. 30.*

That the Stealers, Peilers, or Destroyers of Green Wood, or hained Broom, may be pursued before the Barons, Sheriff, or Justice; and that the pains be ten, twenty, and forty *libs*, or Prison, Stocks, or Irons, for eight, fifteen, and thirty Days, for the first, second, and third fault. *Jam. 6, par. 6, cap. 84.*

That wilful Destroyers, and Cutters of growand Trees, be punished to the Death as Thieves. *Jam. 6, Par. 11, cap. 82.* The Act is, *Hochers, or Slayers of Horse, Oxen, &c.*

Wolf.

That Barons hunt, and chase the Wolf, and the Wolfs Whelps, four times a Year, and as oft as they see them; and that the Tenents assist. *Jam. 1, Par. 7, cap. 104.*

That the Sheriff and Bailly hunt the Wolf thrice in the Year, betwixt St. Mark's Day and Lambmas; and that the Country rise with them for that end. *Jam. 6, Par. 14, cap. 87.*

Wool.

That no Wool be transported out of the Kingdom, under the pain of Confiscation thereof, and of the whole remanent Goods of the Owners and Transporters; and that no Licence be granted contrary to this Act, but that the Purchasers and Users thereof, incur the same pains. *Jam. 6, Par. 7, cap. 113.* The Act is, *Against the Excess of costly Cleithing, &c.*

This Prohibition is subjoined to the Regulation then made of Mens Apparel.

That Wool be not transported to *England*, nor sold to any *English* Man in *Scotland* or *England*, who transports the same to *England*, under the pain of Escheat thereof, and of all the Moveables of the actual Transporters; as also, of the Caufers and Sellers thereof to be transported, half to the King, and half to the Apprehender, and Warding for six Months, and otherways at the King's Will; annulling all Licences, either granted, or to be granted. *Jam. 6, Par. 12, cap. 151.*

These Acts ratified, and all Licences in the contrary discharged; and the King promises to grant no such Licences for hereafter. *Jam. 6, Par. 15, cap. 250.*

That no Native or Stranger export Wool, nor Skins with Wool upon them, until made in Work, or put to the best avail, under the pain of the just value thereof, half to the King, and half to the Informer and Prosecutor, and such farther Punishment as the Exchequer shall appoint: That none Forestal the Mercat of Wool, nor keep up the same to a Dearth, under the pain against Regraters and Forestallers (see *Forestallers*) and that for eschewing the Deceit of putting Stones, or the like Stuff therein, no Wool be wrapt up in the Fleece, under the pain of Confiscation, half to the King, and half to the Discoverer and Pursuer, declaring always, that the Exchequer may Licence the Export of Wool and Skins, as they shall see

see cause. *Cha. 2, Par. 1, sess. 1, cap. 40.* The Act is, *Act for Erecting of Manufactories.*

Act ratifying all former Acts against the Exportation of Wool, and Skins with Wool on them, and discharging of new the Exportation of all Wool, or Skins with Wool on them, Scots or Foreign, or Worsted or Woollen Yarn, under most strict pains; and the Act is full and particular as to the Execution; but only to endure for five Years, and untill the next Session of Parliament thereafter *inclusive*. *Item*, The Importation of *English* or *Irish* Wool is forbidden under the like Penalties, till the first of *January* 1702; but the Prohibition of the Export of *English* or *Irish* Wool, is only to endure till the next Session of Parliament *inclusive*. *W. Par. 1, sess. 9, cap. 9.*

Act continuing this Prohibition as to *English* or *Irish* Wool, until the next Session of Parliament *inclusive*, but allowing the Export of all sorts of Sheep Skins and Lamb Skins, with the Wool, or not, until the said next Session; but at the Ports of *Borrowstounness*, *New-Port-Glasgow*, and *Drumfreis* only; and the manner of Packing, with a Duty of five *per cent* is defined, excepting Lamb-Morts, allowed to be exported from any Port free of all Duty, and the Contravention of this Act may be proven by Oath or otherways, tho no seizure made before Export. *Q. A. par. 1, cap. 10. anno 1703.*

Act ratifying the Prohibition of the Import of all Woollen Manufacture, and allowing the Export of Sheep Wool and wollen Yarn, to the next Session of Parliament *inclusive*. *Item*, A continuation of the Export of Sheep Skins with Wool, from all Ports, and freeing all Woollen Manufacture exported, of all Impost during this Act. *Q. A. par. 1, sess. 2, cap. 6. anno 1704.*

Act declaring all Woollen and Linnen Manufacture of whatsoever sort, free of all Duty at the Exportation. *Q. A. Par. 1, sess. 3. cap. 6. anno 1705.*

Writers, see Session.

That Clerks of the Signet be sworn to be Faithful and Secret. *Jam. 5, par. 5, cap. 59. Item*, What Prices they shall take. *ibid. cap. 60.* And that they mark their Bills with their Names. *ibid. cap. 61. See the Acts in Session.*

That Writers to the Signet frame no Signature or Letter, to be past his Majesty's hand, with any Novelty or Informality against the accustomed Stile, under the pain of Deprivation: And that they write their Names on the back of the Signature, as allowed by them, as they will answer at their highest Peril. *Jam. 6, par. 10, cap. 13.*

Prices appointed for Writers, Clerks and Keepers, and their Writs and Seals. *Jam. 6, Par. 23, cap. 19. See Prices.*

Writs.

That all original Writs and Evidents to be made after the first of *November* 1593, contain the Writer's Name and Designation, specially insert in the end, before the inserting of the Witnesses, otherways the same make no Faith. *Jam. 6, par. 13. cap. 175.*

That all Writs subscribed hereafter, wherein the Writer and Witnesses are not designed, be null, and not supplyable, by a Condescendance on the Writer and Witnesses their Designations. *Cha. 2, Par. 3, cap. 5. anno 1661. See it in Witnesses.*

Act allowing Contracts, Decrees, Dispositions, or other Securities, to be written Book-ways, and ordering how they should be signed. *W. Par. 1, sess. 6, cap. 15.*

That no Deed in Writ be granted blank in the Receiver's Name, but be filled up, at least before delivery, before the Witnesses to the subscribing, under the pain of Nullity, excepting herefra Indorsations of Bills of Exchange, or the Notes of any Trading Company. *cap. 25. ibid.*

All probative Writs may be Registrate in any publick Register competent, as if they did bear a Clause of Registration, and the Principals to be given back. *sess. 7, cap. ibid.*

False Writs, *see* Falshood.

Y.

Yard, *see* Orchard.

Yares, *see* Cruives.

Youth, *see* Papist *and* Pedagogue.

THat the Youth going out of the Kingdom, abide constant in the true Religion. *Jam. 6, par. 6, cap. 71. See Religion.*

That such as send their Sons abroad, have a special care, that their stay may be where the true Religion is professed, specially where they want Pedagogues, at least where the Inquisition is not; and in case any of these Sons haunt the Exercise of contrary Religion, these that have the charge of them may be straitned to find Caution to furnish them no more Money, except their reasonable Expenses to bring them home. *Jam. 6, par. 20, cap. 2.*

Yule Vacance, *see* Session.

Z.

Zetland, *see* Orkney.

Act Ratifying and Approving the Treaty of Union of the two Kingdoms of Scotland and England.

January 16 1707.

THE Estates of Parliament considering, That Articles of Union of the Kingdoms of Scotland and England, were Agreed on the twenty second of July, One thousand seven hundred and six Years, by the Commissioners nominated on behalf of this Kingdom, under her Majesty's Great-Seal of Scotland, bearing date the twenty seventh of February last past, in pursuance of the fourth Act of the third Session of this Parliament, and the Commissioners nominated on behalf of the Kingdom of England, under her Majesty's Great-Seal of England, bearing date at Westminster the tenth Day of April last past, in pursuance of an Act of Parliament made in England the third Year of her Majesty's Reign, To Treat of and concerning an Union of the said Kingdoms; Which Articles were, in all Humility, presented to her Majesty, upon the twenty third of the said Month of July, and were recommended to this Parliament by her Majesty's Royal Letter, of the date the thirty one Day of July One thousand seven hundred and six; And that the said Estates of Parliament have Agreed to, and Approven of the said Articles of Union, with some Additions and Explanations, as is contained in the Articles hereafter insert. And likewise, her Majesty, with Advice and Consent of the Estates of Parliament, Resolving to Establish the Protestant Religion, and Presbyterian Church Government within this Kingdom, has past in this Session of Parliament, an Act, Intituled, *Act for securing of the Protestant Religion and Presbyterian Church Government*, which, by the Tenor thereof, is Appointed to be insert in any Act ratifying the Treaty, and expressly declared to be a fundamental and essential Condition of the said Treaty of Union, in all time coming. Therefore her Majesty, with Advice and Consent of the Estates of Parliament, in Fortification of the Approbation of the Articles as above-mentioned, and for their further and better Establishment of the same, upon full and mature Deliberation upon the foresaid Articles of Union, and Act of Parliament, doth Ratify, Approve and Confirm the same, with the Additions and Explanations contained in the saids Articles, in Manner, and under the Provision after-mentioned, whereof the Tenor follows.

ARTICLE. 1.

That the Two Kingdoms of Scotland and England, shall upon the first Day of May next ensuing the Date hereof, and for ever after, be United into one Kingdom by the Name of GREAT-BRITAIN, and that the Ensigns Armorial of the said united Kingdom, be such

as her Majesty shall Appoint, and the Crosses of St. *Andrew* and St. *George* be conjoynd in such manner as her Majesty shall think fit, and used in all Flaggs, Banners, Standards and Ensigns both at Sea and Land.

ARTICLE. II.

That the Succession to the Monarchy of the united Kingdom of *Great-Britain*, and of the Dominions thereunto belonging, after her most Sacred Majesty, and in default of Issue of her Majesty, be, remain and continue to the most Excellent Princess *Sophia* Electress and Dutches Dowager of *Hannover*, and the Heirs of her Body, being Protestants, upon whom the Crown of *England* is settled by an Act of Parliament made in *England*, in the twelfth Year of the Reign of his late Majesty King *William* the Third, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*: And that all Papists, and Persons marrying Papists, shall be excluded from, and for ever incapable to Inherit, Possess or Enjoy the Imperial Crown of *Great-Britain*, and the Dominions thereunto belonging, or any part thereof, and in every such Case, the Crown and Government shall, from time to time, Descend to, and be Enjoyed by such Person, being a Protestant, as should have Inherited and Enjoyed the same, in case such Papists, or Person marrying a Papist, was naturally dead, according to the Provision for the Descent of the Crown of *England*, made by another Act of Parliament in *England*, in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*.

ARTICLE. III.

That the united Kingdom of *Great-Britain* be Represented by one and the same Parliament, to be Stiled the Parliament of *Great-Britain*.

ARTICLE. IV.

That all the Subjects of the united Kingdom of *Great-Britain*, shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the united Kingdom, and the Dominions and Plantations thereunto belonging, and that there be Communication of all other Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherways expressly Agreed in these Articles.

ARTICLE. V.

That all Ships or Vessels belonging to her Majesties Subjects of *Scotland*, at the time of Ratifying the Treaty of Union of the Two
Kings

Kingdoms in the Parliament of *Scotland*, though foreign Built, be deem'd and pass as Ships of the Build of *Great-Britain*: The Owner, or where there are more Owners, one or more of the Owners, within twelve Months after the first of May next, making Oath, That, at the time of Ratifying the Treaty of Union in the Parliament of *Scotland*, the same did, in haill, or in part, belong to him or them, or to some other Subject or Subjects of *Scotland*, to be particularly Named, with the Place of their respective Abodes, and that the same doth then, at the time of the said Deposition, wholly belong to him or them, and that no Foreigner, directly or indirectly, hath any Share, Part, or Interest therein; Which Oath shall be made before the chief Officer or Officers of the Customs, in the Port next to the Abode of the said Owner or Owners; And the said Officer, or Officers, shall be Impowered to Administer the said Oath: And the Oath being so Administred, shall be Attested by the Officer, or Officers, who Administred the same, and being Registred by the said Officer, or Officers, shall be delivered to the Master of the Ship for Security of her Navigation, and a Duplicate thereof shall be transmitted by the said Officer, or Officers, to the chief Officer, or Officers of the Customs in the Port of *Edinburgh*, to be there entered in a Register, and from thence to be sent to the Port of *London*, to be there entered in the general Register of all Trading Ships belonging to *Great-Britain*.

ARTICLE VI.

That all Parts of the united Kingdom, for ever, from and after the Union, shall have the same Allowances, Encouragements and Draw-backs, and be under the same Prohibitions, Restrictions and Regulations of Trade, and liable to the same Customs and Duties on Import and Export; And that the Allowances, Encouragements and Draw-backs, Prohibitions, Restrictions and Regulations of Trade, and the Customs and Duties on Import and Export settled in *England* when the Union commences, shall, from and after the Union, take place throughout the whole united Kingdom, excepting and reserving the Duties upon Export and Import of such particular Commodities, from which any Persons, the Subjects of either Kingdom, are specially Liberated and Exempted by their private Rights, which, after the Union, are to remain safe and intire to them, in all respects as before the same; And that, from and after the Union, no *Scots* Cattle carried into *England*, shall be liable to any other Duties, either on the publick or private Accounts, than these Duties to which the Cattle of *England* are, or shall be liable within the said Kingdom. And seeing, by the Laws of *England*, there are Rewards granted upon the Exportation of certain kinds of Grain, wherein Oats grinded or ungrinded are not expressed, That, from and after the Union, when Oats shall be sold at fifteen shillings sterling per Quarter, or under, there shall be payed two shillings and six pence sterling for every Quarter of the Oat-Meal exported in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grains, and that the Bear of *Scotland* have the

the same Rewards as Barley. And in respect the Importation of Victual into *Scotland*, from any place beyond Sea, would prove a Discouragement to Tillage, therefore, that the Prohibition, as now in force by the Law of *Scotland*, against Importation of Victual from *Ireland*, or any other place beyond Sea into *Scotland*, do, after the Union, remain in the same force as now it is, until more proper and effectual Ways be provided by the Parliament of *Great-Britain*, for Discouraging the Importation of the said Victual from beyond Sea.

ARTICLE. VII.

That all Parts of the united Kingdom, be for ever, from and after the Union, liable to the same Excises upon Excisable Liquors, excepting only, that the thirty four Gallons *English* Barrel of Beer or Ale, amounting to twelve Gallons *Scots* present Measure, sold in *Scotland* by the Brewer at nine *shillings six pennies sterling*, excluding all Duties, and Retailed, including Duties and the Retailers Profit, at two *pence* the *Scots* Pint, or eight Part of the *Scots* Gallon, be not, after the Union, liable on account of the present Excise upon Excisable Liquors in *England*, to any higher Imposition, than two *shillings sterling* upon the foresaid thirty four Gallons *English* Barrel, being twelve Gallons the present *Scots* Measure, and that the Excise settled in *England* on all other Liquors, when the Union commences, take place throughout the whole united Kingdom.

ARTICLE. VIII.

That, from and after the Union, all foreign Salt, which shall be Imported into *Scotland*, shall be Charged at the Importation there, with the same Duties as the like Salt is now Charged with, being Imported into *England*, and to be Levied and Secured in the same manner. But in regard the Duties of great Quantities of foreign Salt imported, may be very heavy on the Merchants Importers, That therefore, all foreign Salt imported into *Scotland*, shall be Cellared and Locked up under the Custody of the Merchant Importer, and the Officers imployed for Levying the Duties upon Salt, and the Merchant may have what Quantities thereof his Occasion may require, not under a Wey or forty Bushels at a time, giving Security for the Duty of what Quantity he receives, payable in six Months; But *Scotland* shall, for the space of seven Years from the said Union, be exempted from paying in *Scotland* for Salt made there, the Duty or Excise now payable for Salt made in *England*; But, from the Expiration of the said seven Years, shall be subject and liable to the same Duties for Salt made in *Scotland*, as shall be then payable for Salt made in *England*, to be Levied and Secured in the same manner, and with proportional Draw-backs and Allowances as in *England*; with this Exception, That *Scotland*, shall after the said seven Years, remain exempted from the Duty of two *shillings* and four *pence* a Bushel on home-Salt, imposed by an Act made in *England* in the ninth and tenth of King *William* the third of *England*. And if the Parliament of *Great-Bri-*

tain, shall at, or before the Expiring of the said seven Years, Substitute any other Fund, in place of the said two *shillings four pence* of Excise on the Bushel of home Salt, *Scotland* shall after the said seven Years, bear a Proportion of the said Fund, and have an Equivalent in the Terms of this Treaty: And that, during the said seven Years, there shall be payed in *England* for all Salt made in *Scotland*, and imported from thence into *England*, the same Duties upon the Importation, as shall be payable for Salt made in *England*, to be Levied and Secured in the same manner, as the Duties on foreign Salt are to be Levied and Secured in *England*. And that, after the said seven Years, how long the said Duty of two *shillings four pence* a Bushel, upon Salt is continued in *England*, the said two *shillings four pence* a Bushel, shall be payable for all Salt made in *Scotland* and Imported into *England*, to be Levied and Secured in the same manner: And that during the continuance of the Duty of two *shillings four pence* a Bushel upon Salt made in *England*, no Salt whatsoever be brought from *Scotland* to *England* by Land in any manner, under the Penalty of forfeiting the Salt and the Cattle and Carriages made use of in bringing the same, and paying twenty *shillings* for every Bushel of such Salt, and proportionally for a greater or lesser Quantity; for which the Carrier, as well as the Owner, shall be liable jointly and severally, and the Persons bringing, or carrying the same, to be Imprisoned by any one Justice of the Peace, by the space of six Months without Baill, and until the Penalty be payed. And for establishing an Equality in Trade, That all Fleshes exported from *Scotland* to *England*, and put on Board in *Scotland* to be exported to Parts beyond the Seas, and Provisions for Ships in *Scotland*, and for foreign Voyages, may be Salted with *Scots* Salt, paying the same Duty for what Salt is so Employed, as the like Quantity of such Salt pays in *England*, and under the same Penalties, Forfeitures and Provisions, for preventing of Frauds, as are mentioned in the Laws of *England*: And that, from and after the Union, the Laws and Acts of Parliament in *Scotland*, for Pining, Curing, and Packing of Herrings, White-Fish and Salmond, for Exportation with foreign Salt only, without any Mixture of *British* or *Irish* Salt, and for preventing of Frauds in Curing and Packing of Fish, be continued in force in *Scotland*, subject to such Alterations as shall be made by the Parliament of *Great-Britain*: And that all Fish exported from *Scotland* to Parts beyond the Seas, which shall be Cured with foreign Salt only, and without Mixture of *British* or *Irish* Salt, shall have the same Eases, Præmiums and Draw-backs, as are or shall be allowed to such Persons, as Export the like Fish from *England*: And that, for Encouragement of Herring Fishing, there shall be Allowed and Payed to the Subjects Inhabitants of *Great-Britain*, during the present Allowances for other Fishes, ten *shillings five pence sterling* for every Barrel of White-Herrings, which shall be exported from *Scotland*: And that there shall be Allowed five *shillings sterling* for every Barrel of Beeff or Pork, Salted with foreign Salt, without Mixture of *British* or *Irish* Salt, and exported for Sale from *Scotland* to Parts beyond Sea, alterable by the Parliament of *Great-Britain*. And if any Matters of Fraud, relating to the said Duties on Salt, shall here-

after

after appear, which are not sufficiently provided against by this Article, the same shall be Subject to such further Provisions, as shall be thought fit by the Parliament of *Great-Britain*.

ARTICLE. IX.

That when ever the Sum of one million nine hundred ninety seven thousand, seven hundred and sixty three *Pounds*, eight *Shillings* and four *Pence* half *Penny*, shall be Enacted by the Parliament of *Great-Britain*, to be raised in that Part of the united Kingdom, now called *England*, on Land, and other Things usually Charged in Acts of Parliament there, for granting an Aid to the Crown by a Land Tax, That Part of the united Kingdom, now called *Scotland*, shall be Charged, by the same Act, with a further Sum of fourty eight thousand *Pounds*, free of all Charges, as the *Quota* of *Scotland* to such Tax, and so proportionally for any greater or lesser Sum raised in *England* by any Tax on Land, and other Things usually Charged, together with the Land; and that such *Quota* for *Scotland*, in the Cases aforesaid, be Raised and Collected in the same manner, as the Cess now is in *Scotland*, but subject to such Regulations in the manner of Collecting, as shall be made by the Parliament of *Great-Britain*.

ARTICLE. X.

That, during the continuance of the respective Duties on stamp Paper, Vellum and Parchment by the several Acts now in force in *England*, *Scotland* shall not be Charged with the same respective Duties.

ARTICLE. XI.

That, during the continuance of the Duties payable in *England* on Windows and Lights, which determines on the first day of *August*, One thousand seven hundred and ten, *Scotland* shall not be Charged with the same Duties.

ARTICLE. XII.

That, during the continuance of the Duties payable in *England* on Coals, Culm and Cinders, which determines the thirtieth Day of *September* One thousand seven hundred and ten, *Scotland* shall not be Charged therewith, for Coals, Culm and Cinders consumed there, but shall be Charged with the same Duties, as in *England*, for all Coal, Culm and Cinders, not consumed in *Scotland*.

ARTICLE. XIII.

That, during the continuance of the Duty payable in *England* on Malt, which determines the twenty fourth Day of *June*, One thousand seven hundred and seven, *Scotland* shall not be Charged with that Duty.

ARTI-

ARTICLE. XIV.

That the Kingdom of *Scotland* be not Charged with any other Duties laid on by the Parliament of *England* before the Union, except those consented to by this Treaty, in regard it is agreed, that all necessary Provision shall be made by the Parliament of *Scotland* for the publick Charge and Service of that Kingdom, for the Year One thousand seven hundred and seven; *Provided* nevertheless, That if the Parliament of *England* shall think fit to lay any further Impositions by way of Customs, or such Excises, with which, by vertue of this Treaty, *Scotland* is to be Charged equally with *England*; in such case *Scotland* shall be liable to the same Customs and Excises, and have an Equivalent to be settled by the Parliament of *Great-Britain*; With this further Provision, That any Malt to be made and consumed in that Part of the united Kingdom now called *Scotland*, shall not be Charged with any Imposition upon Malt during this present War: And seeing it cannot be supposed that the Parliament of *Great-Britain* will ever lay any sorts of Burdens upon the united Kingdom, but what they shall find of necessity at that time, for the Preservation and Good of the whole, and with due regard to the Circumstances and Abilities of every Part of the united Kingdom; Therefore it is agreed, that there be no further Exemption insisted upon for any Part of the united Kingdom, but that the Consideration of any Exemptions beyond what are already agreed on in this Treaty, shall be left to the Determination of the Parliament of *Great-Britain*.

ARTICLE. XV.

That whereas by the Terms of this Treaty, the Subjects of *Scotland* for Preserving an equality of Trade throughout the united Kingdom, will be liable to several Customs and Excises now payable in *England*, which will be applicable towards payment of the Debts of *England*, contracted before the Union; It is agreed, That *Scotland* shall have an Equivalent for what the Subjects thereof shall be so Charged towards payment of the said Debts of *England* in all Particulars whatsoever, in manner following, *viz.* That before the Union of the said Kingdoms, the Sum of three hundred ninety eight thousand and eighty five *Pounds* ten *Shillings* be granted to her Majesty by the Parliament of *England* for the Uses after-mentioned, being the Equivalent to be answered to *Scotland*, for such parts of the said Customs and Excises upon all Excisable Liquors, with which that Kingdom is to be Charged upon the Union, as will be applicable to the payment of the said Debts of *England*, according to the Proportions which the present Customs in *Scotland*, being thirty thousand *Pounds* *per annum*, do bear to the Customs in *England*, computed at one million three hundred forty one thousand five hundred and fifty nine *Pounds* *per annum*, and which the present Excises on Excisable Liquors in *Scotland*, being thirty three thousand and five hundred *Pounds* *per annum*, do bear to the Excises on Excisable Liquors in *England*, computed at nine hundred forty seven thousand six hundred and two *Pounds*

Pounds per annum ; Which Sum of three hundred ninety eight thousand eighty five *Pounds ten Shillings*, shall be due and payable from the time of the Union : And in regard, that after the Union, *Scotland* becoming liable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Excisable Liquors as in *England*, as well upon that account, as upon the account of the Increase of Trade and People (which will be the happy Consequence of the Union) the said Revenues will much Improve, beyond the before-mentioned annual Values thereof, of which no present Estimate can be made ; yet nevertheless, for the Reasons aforesaid, there ought to be a proportionable Equivalent answered to *Scotland*, It is agreed, That after the Union there shall be an Account kept of the said Duties arising in *Scotland*, to the end it may appear what ought to be answered to *Scotland*, as an Equivalent, for such Proportion of the said Increase as shall be applicable to the payment of the Debts of *England* : And for the further and more effectual answering the several Ends hereafter mentioned, It is agreed, That from and after the Union, the whole Increase of the Revenues of Customs and Duties on Import and Export, and Excise upon Excisable Liquors in *Scotland*, over and above the annual Produce of the said respective Duties as above stated, shall go and be applied for the Term of seven Years, to the Uses hereafter mentioned. And that upon the said Account there shall be answered to *Scotland* annually from the end of seven Years after the Union, an Equivalent, in proportion to such part of the said Increase as shall be applicable to the Debts of *England*; and generally, that an Equivalent shall be answered to *Scotland* for such Parts of the *English* Debts as *Scotland* may hereafter become liable to pay by reason of the Union, other than such, for which Appropriations have been made by the Parliament in *England*, of the Customs or other Duties on Export and Import, Excises on all Excisable Liquors, in respect of which Debts Equivalents are herein before provided : And as for the Uses to which the said Sum of three hundred ninety eight thousand eighty five *Pounds ten Shillings* to be granted as aforesaid, and all other Monies which are to be answered or allowed to *Scotland*, as said is, are to be applied; It is agreed, That in the first place, out of the foresaid Sum what Consideration shall be found necessary to be had for any Losses which private Persons may sustain by reducing the Coyn of *Scotland* to the Standard and Value of the Coyn of *England*, may be made good : In the next place, That the Capital Stock or Fund of the *African and Indian* Company of *Scotland* advanced, together with the Interest for the said Capital Stock, after the Rate of five *per cent per annum*, from the respective times of the payment thereof, shall be payed; upon payment of which Capital Stock and Interest, It is agreed the said Company be dissolved and cease ; And also, that from the time of passing the Act of Parliament in *England* for raising the said Sum of three hundred ninety eight thousand eighty five *Pounds ten Shillings*, the said Company shall neither Trade nor grant Licence to Trade, *Providing*, That if the said Stock and Interest shall not be payed in twelve Months after the Commencement of the Union, That then the said Company may from thence foreward Trade or give Licence

to Trade, until the said hail Capital Stock and Interest shall be pay-
ed: And as to the Overplus of the said Sum of three hundred ninety
eight thousand eighty five *Pounds ten Shillings*, after payment of
what Considerations shall be had for Losses in repairing the Coyn,
and paying the said Capital Stock and Interest; and also the hail
Increase of the said Revenues of Customs, Duties and Excises above
the present Value, which shall arise in *Scotland* during the said Term
of seven Years, together with the Equivalent which shall become
due upon the Improvement thereof in *Scotland* after the said Term;
And also as to all other Sums, which, according to the Agreements
aforesaid, may become payable to *Scotland* by way of Equivalent,
for what that Kingdom shall hereafter become liable towards pay-
ment of the Debts of *England*; It is agreed, That the same be ap-
plied in manner following, *viz.* That all the publick Debts of the
Kingdom of *Scotland*, as shall be adjusted by this present Parlia-
ment, shall be payed: And that two thousand *Pounds per annum*,
for the space of seven Years, shall be applied towards Encouraging
and Promoting the Manufacture of coarse Wool, within those Shires
which produce the Wool, and that the first two thousand *Pounds*
sterling be payed at *Martinmas* next, and so Yearly at *Martinmas*
during the space aforesaid; and afterwards, the same shall be wholly
applied towards the Encouraging and Promoting the Fisheries and
such other Manufactures and Improvements in *Scotland*, as may
most conduce to the general Good of the united Kindom. And it is
agreed, That her Majesty be Impowered to appoint Commissioners,
who shall be accountable to the Parliament of *Great-Britain*, for dis-
posing the said Sum of three hundred ninety eight thousand and eighty
five *Pounds ten Shillings*, and all other Monies which shall arise to
Scotland upon the Agreements aforesaid, to the Purposes before men-
tioned; Which Commissioners shall be Impowered to call for, receive
and dispose of the said Monies in manner aforesaid, and to inspect the
Books of the several Collectors of the said Revenues, and of all other
Duties from whence an Equivalent may arise; and that the Colle-
ctors and Managers of the said Revenues and Duties, be obliged to
give to the said Commissioners, subscribed authentick Abbreviates of
the Produce of such Revenues and Duties arising in their respective
Districts; and that the said Commissioners shall have their Office
within the Limits of *Scotland*, and shall in such Office keep Books
containing Accounts of the Amount of the Equivalents, and how the
same shall have been disposed of, from time to time, which may be
inspected by any of the Subjects who shall desire the same.

ARTICLE. XVI.

That, from and after the Union, the Coyn shall be of the same
Standard and Value throughout the united Kingdom, as now in *Eng-
land*, and a Mint shall be continued in *Scotland* under the same Rules
as the Mint in *England*; and the present Officers of the Mint contri-
nued, subject to such Regulations and Alterations as her Majesty, her
Heirs or Successors, or the Parliament of *Great-Britain* shall think
fit.

ARTICLE XVII.

That, from and after the Union, the same Weights and Measures shall be used throughout the united Kingdom, as are now established in *England*, and Standards of Weights and Measures shall be kept by those Burrows in *Scotland*, to whom the keeping the Standards of Weights and Measures now in use there does of special Right belong: All which Standards shall be sent down to such respective Burrows, from the Standards kept in the Exchequer at *Westminster*, subject nevertheless to such Regulations as the Parliament of *Great-Britain* shall think fit.

ARTICLE XVIII.

That the Laws concerning Regulation of Trade, Customs and such Excises, to which *Scotland* is, by vertue of this Treaty, to be liable, be the same in *Scotland* from and after the Union, as in *England*, and that all other Laws, in use within the Kingdom of *Scotland*, do after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this Treaty) but alterable by the Parliament of *Great-Britain*, with this difference betwixt the Laws concerning publick Right, Policy and civil Government, and those which concern private Right, that the Laws which concern publick Right, Policy, and civil Government may be made the same throughout the whole united Kingdom, but that no Alteration be made in Laws which concern private Right, except for evident Utility of the Subjects within *Scotland*.

ARTICLE XIX.

That the Court of Session or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within *Scotland*, as it is now constituted by the Laws of that Kingdom, and with the Authority and Privileges as before the Union; subject nevertheless to such Regulations, for the better Administration of Justice, as shall be made by the Parliament of *Great-Britain*; And that hereafter none shall be named by her Majesty or her Royal Successors to be ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or principal Clerks of Session for the space of five Years, or as Writers to the Signet for the space of ten Years, with this Provision, That no Writer to the Signet be capable to be admitted a Lord of the Session, unless he undergo a private and publick Tryal on the Civil Law, before the Faculty of Advocates, and be found by them qualified for the said Office two Years before he be named to be a Lord of the Session, yet so as the Qualifications made or to be made, for capacitating Persons to be named ordinary Lords of Session, may be altered by the Parliament of *Great-Britain*. And that the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain in all time coming within

within *Scotland*, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union: subject nevertheless, to such Regulations as shall be made by the Parliament of *Great-Britain*, and without prejudice of other Rights of Justiciary: And that all Admiralty Jurisdictions be under the Lord high Admiral or Commissioners for the Admiralty of *Great-Britain* for the time being; and that the Court of Admiralty now established in *Scotland* be continued; and that all Reviews, Reductions or Suspensions of the Sentences in Maritime Cases, competent to the Jurisdiction of that Court, remain in the same manner after the Union as now in *Scotland*, until the Parliament of *Great-Britain* shall make such Regulations and Alterations as shall be judged expedient for the whole united Kingdom: so as there be always continued in *Scotland* a Court of Admiralty, such as in *England*, for Determination of all Maritime Cases relating to private Rights in *Scotland*, competent to the Jurisdiction of the Admiralty Court; subject nevertheless to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*: And that the heretable Rights of Admiralties, and Vice-Admiralties in *Scotland* be reserved to the respective Proprietors, as Rights of Property, subject nevertheless, as to the manner of Exercising such heretable Rights, to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*. And that all other Courts now in being within the Kingdom of *Scotland* do remain; but subject to Alterations by the Parliament of *Great-Britain*: And that all inferior Courts within the said Limits, do remain subordinate as they are now to the Supreme Courts of Justice within the same in all time coming; And that no Causes in *Scotland* be cognoscible by the Courts of Chancery, Queens-Bench, Common-Pleas, or any other Court in *Westminster-Hall*; and that the said Courts or any other of the like Nature, after the Union, shall have no Power to Cognosce, Review, or Alter the Acts or Sentences of the Judicatures within *Scotland*, or stop the Execution of the same; And that there be a Court of Exchequer in *Scotland* after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases, as the Court of Exchequer has in *England*; and that the said Court of Exchequer in *Scotland* have Power of passing Signatures, Gifts, Tutories, and in other things as the Court of Exchequer at present in *Scotland* hath; and that the Court of Exchequer that now is in *Scotland* do remain until a new Court of Exchequer be settled by the Parliament of *Great-Britain* in *Scotland* after the Union: And that after the Union, the Queen's Majesty and her Royal Successors, may continue a Privy Council in *Scotland*, for preserving of publick Peace and Order, until the Parliament of *Great-Britain* shall think fit to alter it, or establish any other effectual Method for that End.

ARTICLE XX.

That all heretable Offices, Superiorities, heretable Jurisdictions, Offices for Life, and Jurisdictions for Life, be reserved to the Owners thereof

thereof, as Rights of Property, in the same manner, as they are now enjoyed by the Laws of *Scotland*, notwithstanding of this Treaty.

ARTICLE. XX I.

That the Rights and Privileges of the Royal Burrows in *Scotland*, as they now are, do remain intire after the Union, and notwithstanding thereof.

ARTICLE. XX II.

That by vertue of this Treaty, of the Peers of *Scotland* at the time of the Union, Sixteen shall be the Number to Sit and Vote in the House of Lords, and Fourty Five the Number of the Representatives of *Scotland* in the House of Commons of the Parliament of *Great-Britain*; And that when her Majesty, her Heirs or Successors shall declare her or their Pleasure, for holding the first or any subsequent Parliament of *Great-Britain*, until the Parliament of *Great-Britain* shall make further Provision therein, a Writ do issue under the Great Seal of the united Kingdom, directed to the Privy Council of *Scotland*, Commanding them to cause Sixteen Peers, who are to Sit in the House of Lords, to be summoned to Parliament, and Fourty Five Members to be Elected to Sit in the House of Commons of the Parliament of *Great-Britain*, according to the Agreement in this Treaty, in such manner as by a subsequent Act of this present Session of the Parliament of *Scotland* shall be settled; which Act is hereby declared to be as valid, as if it were a part of, and ingrossed in this Treaty; And that the Names of the Persons so Summoned and Elected, shall be returned by the Privy Council of *Scotland*, into the Court from whence the said Writ did issue; And that if her Majesty on or before the first day of May next, on which Day the Union is to take place, shall declare under the Great Seal of *England*, that it is Expedient that the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*, Then the saids Lords of Parliament of *England*, and Commons of the present Parliament of *England*, shall be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*; And her Majesty may, by her Royal Proclamation under the Great-Seal of *Great-Britain*, appoint the said first Parliament of *Great-Britain*, to meet at such Time and Place as her Majesty shall think fit, which Time shall not be less than fifty Days after the date of such Proclamation; And the Time and Place of the Metting of such Parliament being so appointed, a Writ shall be immediately issued under the Great-Seal of *Great-Britain*, directed to the Privy Council of *Scotland* for the Summoning the sixteen Peers, and for Electing fourty five Members, by whom *Scotland* is to be represented in the Parliament of *Great-Britain*; and the Lords of Parliament of *England*, and the sixteen Peers of *Scotland*, such sixteen Peers being Summoned and Returned

in the Manner agreed in this Treaty; And the Members of the House of Commons of the said Parliament of *England*, and the forty five Members for *Scotland*, such forty five Members being Elected and Returned in the Manner agreed in this Treaty, shall Assemble and Meet respectively in their respective Houses of the Parliament of *Great-Britain*, at such Time and Place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of *Great-Britain*: And that Parliament may continue for such time only, as the present Parliament of *England* might have continued, if the Union of the two Kingdoms had not been made, unless sooner Dissolved by her Majesty. And that every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliament of *Great-Britain*, in the first and all succeeding Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherways direct, shall take the respective Oaths appointed to be taken in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in *England*, in the first Year of the Reign of the late King *William* and Queen *Mary*, Intituled, *An Act for the Abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths*; And make, subscribe, and audibly repeat the Declaration mentioned in an Act of Parliament made in *England*, in the thirtieth Year of the Reign of King *Charles* the Second, Intituled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take and subscribe the Oath mentioned in an Act of Parliament made in *England* in the first Year of her Majesty's Reign, Intituled, *An Act to Declare the Alterations in the Oath appointed to be taken, by the Act, Intituled An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined*: At such time, and in such manner as the Members of both Houses of Parliament of *England* are by the said respective Acts directed to take, make and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained. And it is Declared and Agreed, That these Words, *This Realm, The Crown of this Realm, and the Queen of this Realm*, mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of *England*, shall be understood of the the Crown and Realm of *Great-Britain*; And that in that Sense, the said Oaths and Declaration be taken and subscribed by the Members of both Houses of Parliament of *Great-Britain*.

ARTICLE. XXIII.

That the foresaid sixteen Peers of *Scotland*, mentioned in the last preceeding Article, to sit in the House of Lords of the Parliament of *Great-Britain*, shall have all Privileges of Parliament, which the Peers of *England* now have, and which they, or any Peers of *Great Britain* shall have after the Union; and particularly the Right of sitting

sitting upon the Tryals of Peers : And in case of the Tryal of any Peer in time of Adjournment or Prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same Powers and Privileges, at such Tryal, as any other Peers of *Great-Britain*. And that in case any Tryals of Peers shall hereafter happen, when there is no Parliament in Being, the sixteen Peers of *Scotland*, who sat in the last preceeding Parliament, shall be Summoned in the same manner, and have the same Powers and Privileges at such Tryals, as any other Peers of *Great-Britain*. And that all Peers of *Scotland*, and their Successors to their Honours and Dignities, shall from and after the Union be Peers of *Great-Britain*, and have Rank and Precedency next and immediately after the Peers of the like Orders and Degrees in *England*, at the time of the Union, and before all Peers of *Great-Britain* of the like Orders and Degrees who may be created after the Union, and shall be tryed as Peers of *Great-Britain*, and shall enjoy all Privileges of Peers, as fully as the Peers of *England* do now enjoy the same, or as they or any other Peers of *Great-Britain*, may hereafter enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the Right of sitting upon the Tryals of Peers.

ARTICLE XXIV.

That from and after the Union, there be one Great-Seal for the united Kingdom of *Great-Britain*, which shall be different from the Great-Seal now used in either Kingdom ; and that the Quartering the Arms, and the Rank and Precedency of the Lyon King at Arms of the Kingdom of *Scotland*, as may best suit the Union, be left to her Majesty ; and that in the meantime the Great-Seal of *England* be used as the Great-Seal of the united Kingdom, and that the Great-Seal of the united Kingdom be used for Sealing Writs to Elect and Summon the Parliament of *Great-Britain*, and for Sealing all Treaties with foreign Princes, and States, and all publick Acts, Instruments and Orders of State, which concern the whole united Kingdom, and in all other Matters relating to *England*, as the Great-Seal of *England* is now used ; And that a Seal in *Scotland*, after the Union, be always kept and made use of in all things relative to private Rights or Grants, which have usually past the Great-Seal of *Scotland*, and which only concern Offices, Grants, Commissions and private Rights within that Kingdom ; and that until such Seal shall be appointed by her Majesty, the present Great-Seal of *Scotland* shall be used for such purposes, and that the Privy-Seal, Signet, Casset, Signet of the Justiciary Court, Quarter-Seal, and Seals of Courts now used in *Scotland* be continued ; but that the said Seals be altered and adapted to the State of the Union, as her Majesty shall think fit : And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations as the Parliament of *Great-Britain* shall hereafter make : And that the Crown, Scepter, and Sword of State, the Records of Parliament, and all other Records, Rolls, and Registers whatsoever, both Publick and Private, General and Particular

ticular, and Warrants thereof continued to be kept as they are within that part of the united Kingdom now called *Scotland*, and that they shall so remain, in all time coming, notwithstanding of the Union.

ARTICLE. XXV.

That all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall from and after the Union cease and become void, and shall be so declared to be by the respective Parliaments of the said Kingdoms.

Follows the Tenor of the Act for Securing the Protestant Religion and Presbyterian Church Government.

OUR SOVEREIGN LADY, and the Estates of Parliament, considering, that by the late Act of Parliament for a Treaty with *England*, for an Union of both Kingdoms, It is provided, that the Commissioners for the Treaty, should not Treat of or concerning any Alteration of the Worship, Discipline, and Government of the Church of that Kingdom, as now by Law Established: Which Treaty being now reported to the Parliament, and it being reasonable and necessary, that the true Protestant Religion as presently professed within this Kingdom, with the Worship, Discipline, and Government of this Church, should be effectually and unalterably Secured; Therefore her Majesty, with Advice and Consent of the said Estates of Parliament, Doth hereby Establish and Confirm the said true Protestant Religion, and the Worship, Discipline, and Government of this Church, to continue without any Alteration, to the People of this Land in all succeeding Generations; and more especially, her Majesty with Advice and Consent foresaid, Ratifies, Approves, and for ever Confirms the Fifth Act of the first Parliament of King *William* and Queen *Mary*, Intituled, *Act Ratifying the Confession of Faith, and settling Presbyterian Church Government*, with the hail other Acts of Parliament relating thereto, in prosecution of the Declaration of the Estates of this Kingdom, containing the *Claim of Right*, bearing date the Eleventh of *April* One thousand six hundred and eighty nine; And her Majesty with Advice and Consent foresaid, expressly Provides and Declares, That the foresaid true Protestant Religion contained in the above-mentioned Confession of Faith, with the Form and Purity of Worship presently in Use within this Church, and its Presbyterian Church Government and Discipline; That is to say, the Government of the Church by Kirk-Sessions, Presbyteries, Provincial-Synods, and General Assemblies, all Established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue Unalterable; And that the said Presbyterian Govern-

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Government shall be the only Government of the Church within the Kingdom of *Scotland*. And further, for the greater Security of the foresaid Protestant Religion, and of the Worship, Discipline, and Government of this Church, as above Established; her Majesty, with Advice and Consent foresaid, *Statutes and Ordains*, That the Universities and Colleges of *St. Andrews, Glasgow, Aberdeen and Edinburgh*, as now Established by Law, shall continue within this Kingdom for ever. And that, in all time coming, no Professors, Principals, Regents, Masters, or others bearing Office in any University, College or School within this Kingdom, be Capable, or be Admitted or Allowed to continue in the Exercise of their said Functions, but such as shall Own and Acknowledge the Civil Government, in manner prescribed, or to be prescribed by the Acts of Parliament. As also, that before, or at their Admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith, and that they will practise and conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour, directly or indirectly, the Prejudice or Subversion of the same; and that before the respective Presbyteries of their Bounds, by whatsoever Gift, Presentation or Provision, they may be thereto provided. And further, her Majesty, with Advice foresaid, expressly Declares and Statutes, That none of the Subjects of this Kingdom shall be liable to, but all and every one of them for ever free of any Oath, Test or Subscription within this Kingdom, contrary to, or inconsistent with the foresaid true Protestant Religion, and Presbyterian Church Government, Worship and Discipline, as above Established; and that the same, within the Bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. And lastly, That after the decease of her present Majesty, (whom GOD long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of *Great Britain*, shall, in all time coming, at his or her Accession to the Crown, Swear and Subscribe, That they shall inviolably Maintain and Preserve the foresaid Settlement of the true Protestant Religion, with the Government, Worship, Discipline, Right and Privileges of this Church, as above Established by the Laws of this Kingdom, in prosecution of the Claim of Right. And it is hereby *Statute and Ordained*, That this Act of Parliament, with the Establishment therein contained, shall be held and observed in all time coming, as a fundamental and essential Condition of any Treaty, or Union, to be Concluded betwixt the two Kingdoms, without any Alteration thereof, or Derogation thereto, in any sort for ever. As also, that this Act of Parliament, and Settlement therein contained, shall be Insert and Repeated in any Act of Parliament that shall pass, for Agreeing and Concluding the foresaid Treaty or Union, betwixt the two Kingdoms; and that the same shall be therein expressly Declared to be a fundamental and essential Condition of the said Treaty or Union, in all time coming. Which *ARTICLES OF UNION*, and Act immediately abovewritten, her Majesty, with Advice and Consent aforesaid, *Statutes, Enacts, and Ordains*, to be, and

and continue, in all time coming, the sure and perpetual Foundation, of a compleat and intire Union of the two Kingdoms of *Scotland* and *England*, under this expresse *Condition and Provision*, That the Approbation and Ratification of the foresaid Articles and Act, shall be noways binding on this Kingdom, until the said Articles and Act be Ratified, Approved and Confirmed by her Majesty, with, and by the Authority of the Parliament of *England*, as they are now Agreed to, Approved and Confirmed by her Majesty, with, and by the Authority of the Parliament of *Scotland*. *Declaring nevertheless*, That the Parliament of *England* may provide for the Security of the Church of *England*, as they think Expedient, to take place within the Bounds of the said Kingdom of *England*, and not derogating from the Security above provided for Establishing of the Church of *Scotland*, within the Bounds of this Kingdom. As also, the said Parliament of *England*, may extend the Additions and other Provisions contained in the Articles of Union, as above insert, in favours of the Subjects of *Scotland*, to, and in favours of the Subjects of *England*, which shall not suspend or derogate from the Force and Effect of this present Ratification, but shall be understood as herein included, without the necessity of any new Ratification in the Parliament of *Scotland*. And lastly, her Majesty *Enacts and Declares*, That all Laws and Statutes in this Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, as above mentioned, shall from and after the Union, cease and become void.

F I N I S.

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Stewart, James

The index or abridgement, of the acts of parliament and convention From
the 1. parl. of King James I., ... 1424, to Queen Anne ... 1707

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